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COMMONWEALTH OF PENNSYLVANIA

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SENATE

WEDNESDAY, May 3, 1939.

The Senate met at 1:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Just as we address the Chair in this body for the purpose of obtaining recognition that we may be heard, so do we now address Thee, Our Loving Heavenly Father; but when we do, it is with the basic knowledge and understanding that we speak of Perfection and Love and Strength and Holiness and Loveliness altogether.

While with but one audible voice do we speak with Thee in these few moments, O God, we pray Thee, that many inaudible voices in this Senate may petition Thy Divine Throne of Grace for guidance and strength to perform our duties this day aright and acceptably to Thee.

This flow of spiritual strength proceeds from but one source; to it every mother's son of us must repair if we desire to live aright.

Is prayer out-moded today? Does this generation believe it belongs only to the days of Abraham, Issac or Jacob? Or the beginning of the Christian era alone? Did Washington kneel in prayer on the ice-clad hills of Pennsylvania just because it was customary? Did Lincoln feel the absolute necessity of baring his bleeding heart to God for Divine guidance? Are not millions of souls guided by prayer today?

It can not be, Our Father, that we can successfully live from day to day without Thee. Let our nation turn from her idolatry in things material to a revival of things spiritual property evaluated and as of old, Thou wilt deliver us out of the economic slough of despondency into the true light of satisfied citzenship. To this end we humbly, honestly, sincerely and faithfully pray in the name of Thy Christ. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. DANDO, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. SHAPIRO asked and obtained leave of absence for the Senator from Allegheny, Mr. FREY, for the balance of the week.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 268

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 268, entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "Public School Code," further regulating the sale of unused and unnecessary land buildings by boards of school directors.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 575

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 575, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State Government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 283, (Senate Bill No. 830), entitled:

An Act permitting inquiry as to good repute and consent on cross-examination of prosecutrix in cases of statutory rape.

Which was committed to the Committee on Judiciary General.

House Bill No. 519, (Senate Bill No. 831), entitled:

An Act to amend paragraph six of section two of the act of June first, one thousand nine hundred one, (Pamphlet Laws 493) entitled "An act providing for the ex-

amination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," as amended and extended to cities of the third class, boroughs, incorporated towns and townships of the first class, by eliminating the prohibition against connections to waterpipes by persons other than plumbers.

Which was committed to the Committee on Municipal Government.

House Bill No. 718, (Senate Bill No. 832), entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

Which was committed to the Committee on Public Health.

House Bill No. 720, (Senate Bill No. 833), entitled:

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "Mental Health Act of 1923," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city, or institution district institutions during such time.

Which was committed to the Committee on Public Health.

House Bill No. 721, (Senate Bill No. 834), entitled:

An Act to amend the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-two) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" by deferring the operation of the act for a further period of time

Which was committed to the Committee on Welfare.

House Bill No. 732, (Senate Bill No. 835), entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof," in so far as it relates to boroughs.

Which was committed to the Committee on Municipal Government.

House Bill No. 870, (Senate Bill No. 836), entitled:

An Act to further amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes' Retirement Law" further defining State employes and original members; and making further exception to compulsory membership in the system.

Which was committed to the Committee on State Government.

House Bill No. 968, (Senate Bill No. 837), entitled:

An Act to further amend section two hundred three, to repeal section four hundred seven, and to amend section one thousand two hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-one (P. L. 343), entitled "Fiscal Code," to reorganize the Departments of Revenue and of the Auditor General in such manner as to vest in the Department of Revenue the appointment, the fixing of the compensation, and the approval of the expense accounts of clerks, investigator, appraisers, expert appraisers, permanent appraisers, and other employees necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes.

Which was committed to the Committee on State Government.

House Bill No. 979, (Senate Bill No. 838), entitled:

An Act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of borough town township school district and institution district taxes prescribing the liability of taxables and others for the payment of such taxes and the right of the collectors and taxing authorities to institute suit therefor and imposing penalties

Which was committed to the Committee on County Government.

House Bill No. 1287, (Senate Bill No. 839), entitled:

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled as amended "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon;" authorizing the imposition and collection of ready to serve charges; and extending the purposes for which rentals and charges may be made.

Which was committed to the Committee on Municipal Government.

House Bill No. 1288, (Senate Bill No. 840), entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "Housing Authorities Law," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

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Which was committed to the Committee on State Government.

AMENDMENT TO HOUSE BILL No. 28 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 28, entitled:

An Act to regulate the sale of sulfamilamide and its derivatives in the interest of public health.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the Bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed as required by the Constitution, the bill will be noted on tomorrow's Calendar.

AMENDEMENT TO HOUSE BILL No. 444 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 444, entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and established a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the Bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed as required by the Constitution, the bill will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 546 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 546, entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed as required by the Constitution, the bill will be noted on tomorrow's Calendar.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 358, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "Revised Price Act of 1917," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

House Bill No. 373, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

House Bill No. 378, entitled:

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

House Bill No. 386, entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

House Bill No. 483, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

House Bill No. 576, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "Veterans Compensation Act" as amended, extending the time during which application may be filed for veterans' compensation.

House Bill No. 567, entitled:

An Act to amend section one of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (P. L. 275) entitled, "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties," increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

House Bill No. 575, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues,

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levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

House Bill No. 632, entitled:

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining the powers of the planning commission in cities of the second class.

House Bill No. 268, entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

PROTESTING AGAINST THE VAN ALLSBURG BILL (HOUSE BILL No. 867)

Petition from State, County and Municipal Workers of America protesting against the passage of House Bill No. 867 and defending the Public Assistance and Unemployment Compensation Program.

RESOLUTION URGING PASSAGE OF GELTZ BILLS Nos. 410 AND 411

Communication from the State, County and Municipal Workers of America urging passage of Senate Bills Nos. 410 and 411, which would place all State employees under civil service.

PROTESTING AGAINST THE VAN ALLSBURG BILL

Resolution from the St. Martin's Settlement House, protesting against the Van Allsburg Bill, House Bill No. 867, which proposes to return administration of relief to the counties.

Also from the Young Circle League of America protesting against the above mentioned.

PROTESTS AGAINST HOUSE BILLS Nos. 924 AND 925

Resolution from the Lithuanian Citizens Society protesting against House Bill Nos. 924 and 925, increasing club license fee from $50 to $150.

OPPOSING HOUSE BILL No. 496.

Communication from the United Electrical, Radio and Machine Workers of America, Westinghouse Local 601, Pittsburgh, Pa., opposing House Bill No. 496, which adjusts the hours of women laborers.

URGING ENACTMENT OF HOUSE BILL No. 550

Communication from the Henry H. Houston, 2nd Post No. 3 of the American Legion, urging passage of House Bill No. 550.

PETITION OPPOSING SENATE BILL No. 234 AND No. 233

Petition from the United Electrical, Radio and Machine Workers of America, Westinghouse Local 601, opposing passage of Senate Bills Nos. 234 and 233.

URGING ENACTMENT OF LEGISLATION IN DEFENSE AND SUPPORT OF THE UNION HOSPITAL SERVICE ASSOCIATION OF PITTSBURGH.

Resolution from the Pittsburgh Central Labor Union urging enactment of legislation which shall require all hospitals receiving appropriations from the state to negotiate and conclude contracts with non-profit hospital service associations that have been duly chartered and approved by the State Insurance Department.

OPPOSING HOUSE BILL No. 722.

Resolution from the Middle Atlantic Lumbermens Association, opposing House Bill No. 772, which would make necessary a Certificate of Occupancy for a Dwelling house each time it is sublet.

URGING IMMEDIATE RELIEF FOR TEACHERS OF GILBERTON BOROUGH

Petition from the Robert E. Rafferty Post No. 620 of the American Legion urging the Legislature to propose immediate relief for teachers of the Gilberton Borough, so as to secure their salaries which are overdue.

OPPOSING HOUSE BILL No. 1030.

Communication from the United Electrical, Radio and Machine Workers of America, Westinghouse Local 601, opposing House Bill No. 1030.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 7:00 o'clock, p. m., E. S. T.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

APPOINTMENT AS MAGISTRATE OF COURT NO. 27, OF PHILADELPHIA

The Secretary of the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Edward Williams, 3351 I Street, Philadelphia, for appointment as Magistrate of Court No. 27 in and for the City of Philadelphia, until the first Monday in January, 1940, vice Atkinson Costello, deceased.

ARTHUR H. JAMES.

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

RECALL OF NOMINATIONS AS MEMBERS OF BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body on May 1, 1939, for the appointment of the following persons as members of the Board of Trustees of West Chester State Teachers College, for terms of four years and until their successors are qualified:

Fred S. Woods, West Chester, Chester County.

Mrs. Frances Price Donahoo, 2438 Edmont Avenue, Chester, Chester County.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EALY and Mr. GELDER,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of reconsidering confirmmation of the two nominations which were returned by the Governor.

Which was agreed to.

Whereupon,

A motion was made by Mr. EALY and Mr. GELDER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

RECONSIDERATION OF CONFIRMATION OF APPOINTMENTS TO THE BOARD OF TRUSTEES WEST CHESTER STATE TEACHERS COLLEGE

Mr. EALY. Mr. President, I move that we reconsider the vote by which Fred F. Woods, West Chester, Chester County, and Mrs. Frances Price Donahoo, 2428 Edmont Avenue, Chester, Chester County were confirmed.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye."

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the reconsideration of the vote by which the above nominations were confirmed?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as fallow, viz:

YEAS—38

Bartlett,	Geltz,	McGinnis,	Sipe,
Cavalcante,	Haluska,	Mundy,	Snowden,
Chapman,	Homsher,	Owlett,	Stevenson,
Crowe,	James,	Pierson,	Stiefel,
Dando,	Jaspan,	Reed,	Tallman,
Dent,	Kilgallen,	Rice,	Thomas,
Ealy,	Kunkel,	Ruth,	Walker,
Edmonds,	Letzler,	Scarlett,	Wolfenden,
Farrell,	Mallery,	Shapiro,	Woodward,
Gelder,	McCreesh,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I move that the Executive Session do now rise.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of West Chester State Teachers College, for terms of four years and until their successors are qualified:

Fred S. Wood, West Chester, Chester County.

Mr. Frances Price Donahoo, 2428 Edmont Avenue, Chester, Delaware County.

ARTHUR H. JAMES.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Appropriations, reported as amended, Senate Bill No. 153, entitled:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first, one thousand nine hundred and thirty-nine.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 50, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

Mr. GELDER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 743, entitled:

An Act to amend subsection VII of section three of the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," permitting such credit unions to invest funds in loans to other credit unions.

Mr. CROWE, from the Committee on Forestry, Game and Fish, re-reported as amended, Senate Bill No. 169, entitled:

An Act relating to parks, farms, glens, or picnic grounds, owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of aldermen and justices of the peace thereto.

Mr. EDMONDS, from the Committee on Judiciary General, reported as amended, Senate Bill No. 675, entitled:

An Act for the registration and regulation of certain individuals and entitles selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy or inducing holders thereof to exchange, securities defined herein, including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registration; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 244, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries.

With the understanding that after second reading it will be recommitted to the Committee on Banking which will have a hearing on another bill relating to this subject next week.

Mr. MUNDY, from the Committee on Public Health, reported as amended, Senate Bill No. 635, entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments;" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions; and declaring bonds of an authority negotiable instruments, proper for legal investments and free from taxation.

Mr. BARTLETT, from the Committee on Judiciary General, reported as committed, Senate Bill No. 695, entitled:

An Act to deny a right of action, and to relieve counties of liability, for damages for injury to or destruction of property by action of a mob or in consequence of a riot; and repealing inconsistent acts.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 816, entitled:

An Act to amend the act, approved the sixth day of April, one thousand nine hundred and thirty-nine (P. L. Act No. 4-A) entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie add for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion

Board" by increasing the amount of the appropriation and authorizing the Department of Forests and Waters to accept reimbursements from the United States Department of War.

Mr. WOLFENDEN, from the Committee on Highways, reported as amended, Senate Bill No. 293, (House Bill No. 442), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

He also, from the Committee on Highways, re-reported as amended, Senate Bill No. 294, (House Bill No. 443), entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 756, entitled:

An Act providing for the appointment of an acting president judge in any court of the Commonwealth having more than one law judge.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 703, entitled:

An Act giving landlords a preference where goods are sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent.

Mr. McCREESH, from the Committee on Judiciary Special, re-reported as amended, Senate Bill No. 22, entitled:

An Act to prohibit the sale, offering or exposing for sale of fire-works; defining fireworks and authorizing cities, boroughs, towns and townships to regulate the manner of using fireworks therein and providing penalties.

This bill is known as the Fireworks Bill and it has been amended.

Mr. HALUSKA, from the Committee on Appropriations, reported as committed, Senate Bill No. 824, entitled:

An Act reappropriating to the Bituminous Coal Study Commission the unexpended balance of money heretofore appropriated thereto.

Mr. REED, from the Committee on Judiciary General, reported as amended, Senate Bill No. 284, (House Bill No. 356), entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 303, (House Bill No. 370), entitled:

An Act to further amend section six of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form, execution, revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians, to spendthrift trusts, to forfeiture or devise or legacy in case of murder of testator to elections, to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as amended, Senate Bill No. 612, entitled:

An Act to regulate the acquiring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth.

Mr. JAMES, from the Committee on Judiciary General, reported as amended, Senate Bill No. 505, entitled:

An Act validating purchases heretofore made by bank and trust companies, trust companies and national banking associations as fiduciaries, of mortgages or other assets from their own commercial departments.

Mr. THOMAS, from the Committee on Highways, reported as committed, Senate Bill No. 476, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class and second class A, and third class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets: providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment

of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detour; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Jeannette.

Mr. OWLETT, from the Committee on Judiciary General, reported as amended, Senate Bill No. 638, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of taxes of the next preceding fiscal year; and providing remedies and penalties.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 637, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all taxes, delinquent for more than one fiscal year; and providing remedies and penalties.

Mr. TALLMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 835, (House Bill No. 732), entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs, incorporated towns, and townships of the first class by the act approved the thirty-first day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 168), in so far as the same relates and applies to boroughs, incorporated towns and townships of the first class.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 279, (House Bill No. 243), entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 591, entitled:

An Act to amend section one of the act, approved the seventh day of June one thousand nine hundred seventeen (P. L. 337), entitled "An act relating to the jurisdiction, powers, and procedure of the several orphans' courts in proceeding for the partition and valuation of real estate, and for the sale of real estate for the purpose of distribution, and the fees, costs, and expenses therein," by extending the jurisdiction of the orphans' court to include partition proceeding between heirs of a deceased co-tenant and the surviving co-tenant.

Mr. McGINNIS, from the Committee on Judiciary General, reported as amended, Senate Bill No. 504, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court, the judges thereof to consist of the retired judges of the Supreme, Superior, Common Pleas and Orphans' Courts, and to perform auxiliary judicial services in the several courts of the Commonwealth, and providing for their necessary expenses, and for the continuation of their retirement pay while performing such services.

Mr. STEVENSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 795, entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution to trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property; conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 796, entitled:

An Act to amend section nine of the act, approved the twenty-second day of December, one thousand nine hundred thirty-three (P. L. 108), entitled, "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River, and the issuance of permits therefor," by providing for the assignment of such permits in certain cases, and making further provisions with respect to the collection of tolls.

Mr. GELTZ, from the Committee on Judiciary General, reported as amended, Senate Bill No. 758, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills for indictment ignoramus unless a resubmission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

BILL RE-REFERRED

Mr. GELTZ, from the Committee on Highways, reported as committed, Senate Bill No. 664, (House Bill No. 506), entitled:

An Act to further amend section six hundred and ninteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and

miscellaneous receipts making an appropriation and providing for refunds" removing joint liability in cases of negligence of employes of counties and municipalities or of members of volunteer fire companies.

requested that it be re-referred to the Committee on Judiciary General.

REPORT FROM COMMITTEE

Mr. WOLFENDEN, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

MEMBERS OF BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Mansfield State Teachers College, for terms of four years and until their successors are qualified:

Walter W. Swinley, Knoxville, Tioga County.
Clark W. Prindle, Elkland, Tioga County.
Mrs. Harriet Gillette, Mansfield, Tioga County.
Rexford R. Soper, Troy, Bradford County.
Wm. C. McCormick, Williamsport, Lycoming County.
Willard Oliver, Scranton, Lackawanna County.

ARTHUR H. JAMES.

MEMBERS OF BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of West Chester State Teachers College, for terms of four years and until their successors are qualified:

Fred S. Wood, West Chester, Chester County.
Mrs. Frances Price Donahoo, 2428 Edmont Avenue, Chester, Delaware County.

ARTHUR H. JAMES.

QUESTION OF INFORMATION

Mr. SIPE. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Armstrong will state his question of information.

Mr. SIPE. Mr. President, I did not hear the names of the proposed trustees for the Indiana State Teachers College.

The PRESIDENT. There has been no nomination made for the Indiana State Teachers. The gentleman from Indiana reported from Committee nominations of trustees for the West Chester State Teachers College and the Mansfield State Teachers College.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 3, 1939, by His Excellency, the Governor of the Commonwealth, also nominations just reported from Committee.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Robert C. Wilson, Pittsburgh, 126 Sheridan Square.
Mrs. Marcella Blackwell, Pittsburgh, 5713 Broad Street.

BUTLER COUNTY

Wallace McKitten, Butler.

CRAWFORD COUNTY

Mrs. Salina W. Leonhart, Meadville.

LACKAWANNA COUNTY

John Dano, Scranton.
Mrs. Winifred Munley, Scranton.

PHILADELPHIA COUNTY

Herbert Gordon Zahn, Philadelphia, 1101 Fidelity-Phila. Trust Bldg., 123 South Broad Street.
Charles H. Crozer, Philadelphia, 1518 Walnut Street.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Gelder,	McCreesh,	Sipe,
Cavalcante,	Geltz,	McGinnis,	Snowden,
Chapman,	Haluska,	Mundy,	Stevenson,
Crowe,	Homsher,	Owlett,	Stiefel,
Dando,	James,	Pierson,	Tallman,
Deitrick,	Jaspan,	Reed,	Thomas,
Dent,	Kilgallen,	Rice,	Walker,
Ealy,	Kunkel,	Ruth,	Wolfenden,
Edmonds,	Letzler,	Scarlett,	Woodward,
Farrell,	Mallery,	Shapiro,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise for about one minute, on a question of personal privilege.

The PRESIDENT. The Senator from Armstrong will state his question of personal privilege.

Mr. SIPE. Mr. President, I rise in order to explain a misapprehension that resulted in my voting against Senate Bill 345 on Monday night, May 1, 1939. I was confused in the bills and inadvertently voted against Senate Bill 345, when I meant to vote for it.

I had been out, Mr. President, getting a drink and when I returned after having gotten the drinks, the Senate was already voting on a bill which I thought was another, so I voted against Senate Bill No. 345 when I meant to vote for it.

Now, for thebenefit of those Senators who seem unaccustomed to water as a beverage, I hasten to explain that the drink I got was a drink of water, so that the drink I had had nothing to do with the resulting confusion.

The PRESIDENT. The remarks of the Senator from Armstrong will be spread on the journal.

BILLS INTRODUCED

Mr. GELDER read in his place and presented to the Chair Senate Bill No. 841 entitled:

An Act to amend the title, and the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charge for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof, and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right to eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended, by authorizing the Authority to equip and furnish projects, and the Commonwealth to lease as lessee such equipment and furnishings from the Authority, and extending the other provisions of the act to include such equipment and furnishings.

Which was committed to the Committee on State Government.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 842 entitled:

An Act to repeal section three hundred and two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six, (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons: providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" and setting up a reserve fund in the State Treasury.

Which was committed to the Committee on Insurance.

Mr. MUNDY. Mr. President, I rise in my place and present to the Chair a bill sponsored jointly by the Senator from Warren, Dr. Chapman, and myself.

Messrs. MUNDY and CHAPMAN read in their places and presented to the Chair Senate Bill No. 843, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities, selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon, defining certain qualities for milk, providing for inspection of and standards for dairy farms and milk plants, providing for the administration of the Act and the establishment of rules and regulations thereunder and for appeals to the Court of Common Pleas of Dauphin County, therefrom, and imposing penalties, and repealing certain acts and parts thereof.

Which was committed to the Committee on Public Health.

Mr. SIPE. Mr. President, on behalf of Senators Cavalcante, Dent and myself I wish to present a bill which I hold in my hand. May I say a word or two of explanation?

A joint commission is investigating the rules and regulations of the Milk Control Board and other matters pertaining to the milk situation in Pennsylvania. There has not been one cent of money appropriated to carry on this investigation, which means that the testimony being taken at the hearings will likely vanish in thin air and be of no avail, or any assistance to the Legislature, or of no information to the farmers of Pennsylvania, unless enough money is set up to pay for the printing of a reasonable number of copies of the testimony.

Also, we have an unfortunate situation, relating to this investigation, that the commission will die when this Session of the Legislature ends. Therefore, if the members of the commission and the Legislature are to be freed from the suspicion, especially on the part of farmers, that this investigation is merely a farce, it will be necessary to do two things, first, to breathe life into the commission so that they can complete their work, and make a report to the next Session of the General Assembly; and, secondly, to print a number of copies of the testimony so that both the Legislature and the farmers may see what it is all about.

Therefore, the bill I am about to present, on the part of my colleagues and myself, simply reappropriates a part of an unexpended balance, not to exceed $2,000, of the money remaining in the commission headed by Senator Dent to investigate the tax burden on the industries of Pennsylvania. I am advised that there is still in Senator Dent's commission approximately $4,500. He expects that prob-

ably some more bills will be presented, so that this bill, which I am now introducing, simply reappropriates a part of that unexpended balance, whatever it may be, in excess of $2,000, and takes nothing from the State treasury.

So, Mr. President, I read in place and present to the Chair the following bill.

Messrs. SIPE, CAVALCANTE and DENT read in their places and presented to the Chair Senate Bill No. 844, entitled:

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No. 103), approved the twenty-eighth day of March, one thousand nine hundred and thirty-nine; prescribing its powers and duties and re-appropriating the expended balance of an appropriation made to the Joint Legislative Commission created by Senate Concurrent Resolution (Serial No. 106), approved the sixteenth day of March, one thousand nine hunhundred and thirty-seven.

Which was committeed to the Committee on Agriculture.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 845, entitled:

An Act to amend section four hundred thirty-one of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act authorizing county commissioners to appropriate money to cities, boroughs, towns and townships to assist in the acquisition, operation, and maintenance of airdromes and aviation landing fields," requiring the board of commissioners to make appropriations to veterans' organizations for expenses of Memorial Day.

Which was committed to the Committee on County Government.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 846, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

Which was committed to the Committee on Appropriations.

Messrs. LETZLER and CHAPMAN read in their places and presented to the Chair Senate Bill No. 847, entitled:

An Act to further amend section eighteen (renumbered section seventeen) of the act, approved the second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," exempting the obligations issued by land grant colleges.

Which was committed to the Committee on Finance.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 848, entitled:

An Act to amend sections one, two and three of the act approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 805), entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by providing the same method of procedure for boroughs in such cases.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 849, entitled:

An Act to amend section one and to amend further section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," by providing that such relocations and changes of widths, grades and lines may also be made with the approval of the Governor and the proper borough council, or by the Secretary of Highways with the approval of the Governor in the event neither the county nor the borough agree to assume damages for such changes; providing for the payment by the Commonwealth, out of the Motor License Fund, of damages for land or property taken, injured, or destroyed by such re-locations and change of widths, grades and lines when neither the county nor the borough agree to assume the damages; providing that the Secretary of Highways may enter into agreements with the proper county and borough, either jointly or severally, covering the payment of the cost of such property damage; and further providing for the removal by the Borough of all structures within the lines of the highway, as thus established, unless otherwise provided by agreement between the county or borough and the Secretary of Highways.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 850, entitled:

An Act to repeal the act, approved the third day of April, one thousand eight hundred and sixty-eight (P. L. 639), entitled "An act relative to the compensation of the treasurer of Centre County, the safe keeping of the county funds, et cetera."

Which was committed to the Committee on County Government.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 851, entitled:

An Act to amend section twenty-five of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissoners, regstrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the consolidation of the third class city general registers with the general register of boroughs, towns, and townships of the county.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 852, entitled:

An Act to amend section twenty-four of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissoners, regstrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commisisoners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public untility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for consolidation of all third class city general registers with the general register of the boroughs, towns, and townships of the county.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 853, entitled:

An Act to amend Subsection (a) of Section twenty-nine of the Act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 854, entitled:

An Act to amend subsection (a) of Section twenty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of elections; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

Which was committed to the Committee on Elections.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 855, entitled:

An Act to further amend subsection A of section three hundred and two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, conection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by providing for the appointment of personnel where no person on eligible list has resided in a district required length of time.

Which was committed to the Committee on Law and Order.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 856, entitled:

An Act providing a method whereby boroughs may collect over a period of years from owners of property benefited thereby assessments for permanent paving and improvement of streets, alleys, sidewalks or other highways or parts thereof; prescribing the effect of filing municipal claims for such assessments, the interest to be charged thereon, the length of time the lien thereof shall run, and the procedure for collection upon default in such payments.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 857, entitled:

An Act making an appropriation to the Children's Home of Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. THOMAS, by request, read in his place and presented to the Chair Senate Bill No. 858, entitled:

An Act to provide for the codification of the laws relating to highways; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. OWLETT, on behalf of Mr. HEYBURN who is not here today, read in his place and presented to the Chair Senate Bill No. 859, entitled:

An Act to amend section three hundred and seven of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the court from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," removing the requirement that the Governor approve rules, regulations and orders issued by the commission.

Which was committed to the Committee on Agriculture.

REPORTS FROM COMMITTEES

Mr. DEITRICK. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. DEITRICK, from the Committee on Public Health, reported as committed, Senate Bill No. 594, entitled:

An Act to further amend section three of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants, the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," providing for the licensing of certain nurses without examination.

Mr. SHAPIRO. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 198, entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds, or other obligations of corporations, when such mortgages, bonds or obligations contained minor defects.

MOTION TO CONSIDER SENATE BILLS ON CALENDAR FIRST

Mr. OWLETT. Mr. President, I move that the Senate do now proceed first to the consideration of Senate Bills.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

BILL ON FINAL PASSAGE

Mr. WOODWARD. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 456, on Final Passage postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

I would like to explain that this is the graduated income tax joint resolution and it is really a resolution written by my colleague, Senator Edmonds; but he felt so sorry for me having tried for so many years to get a graduated income tax across that he gave me the honor of presenting the resolution.

However, this honor was somewhat handicapped by the provision put in the resolution naming a limit of six per cent on the graduated income tax. I bow to his superior tax knowledge and accept it, but I was in doubt and knew that the Senator from Montgomery, Mr. Edmonds, has a great respect for the Honorable Henry F. Long, who has had as much success as he has and possibly more. I, therefore, telegraphed Mr. Long and he sent me a very long telegram from Asheville—a prepaid telegram—part of which I read as follows: "A Constitutional limit on graduated income tax is most unwise and if adopted will breed trouble."

Mr. PRESIDENT. I, therefore, ask unanimous consent to offer strike-out amendments to strike out the six per cent limit in this bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. The Chair is advised that the House will not accept any Senate bills containing strike-out amendments, insisting that the amendments be printed.

Mr. WOODWARD. Mr. President, I want the bill printed.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 456, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I ask unanimous consent to amend section 1 (Section 1), page 2, lines 7, 8 and 9, by striking out the following: S all of lines 7 and 8, and the words "imposed and" in line 9.

The PRESIDENT. Is there objection? The Chair hears none.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

Ordered, To be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 416, on third reading, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provisions for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period.

go over in its order.

The PRESIDENT. It there objection? The Chair hears none.

SENATE BILL 424

Mr. KILGALLEN. Mr. President, I am going to move that this bill be recommitted to the Committee on County Government.

MOTION TO RECOMMIT

Mr. KILGALLEN. Mr. President, I move that Senate Bill 424, be recommitted to the Committee on County Government in order that a public hearing may be held.

Now, this bill, gentlemen, except by way of example, has no significance to any other part of the State excepting Allegheny County; and I hope that the sponsor of the bill will consent to it going back to committee so that we can have a public hearing on it.

Mr. DENT. Mr. President, I second the motion.

Mr. GELTZ. Mr. President, I object to the bill being recommitted and I would ask my colleagues to vote that motion down.

The time is getting late and this bill was presented quite some time ago. It has been on the calendar now for a week or better, and I think, if there is any good reason for a public hearing that that request could have been made before this late date. For that reason, I ask that this motion be voted down.

I will be satisfied, Mr. President, to have the bill go over in its order.

Mr. SHAPIRO. Mr. President, how could we have a public hearing if the bill went over in its order?

Mr. KILGALLEN. Mr. President, I understand that a bill has to be in possession of a committee in order to have a public hearing—a bill must be in the physical possession of a committee if a committee is to have a public hearing.

Mr. GELTZ. Mr. President, if a public hearing is necessary there is no reason why it cannot be held while the bill is in the House.

Mr. KILGALLEN. Mr. President, this bill was presented on April 4. It was in the possession of the Committee on County Government until April 27. Now, the sponsor of the bill is the chairman of that committee, and the people of Allegheny County have not had opportunity to be heard on this matter.

Mr. OWLETT. Mr. President, may I suggest that the committee has not yet decided that it wants a public hearing; and if they do the bill can be then recommitted. If the Senator from Allegheny, Mr. Kilgallen, will agree that the bill go over in its order, then it can be recommitted if it is decided that a public hearing should be held.

Mr. KILGALLEN. That may be all right, Mr. President, but I do want to say that this request for a public hearing is being made not only by myself but by the other Democratic Senators from Allegheny County, and by the Chairman of the Board of Commissioners of Allegheny County and other public officials in the county.

I do not object to the bill going over in its order tonight, but I do hope that an opportunity will be given for a public hearing on this bill.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, withdraw the motion that Senate Bill 424 be recommitted for the purpose of public hearing?

MOTION WITHDRAWING MOTION TO RECOMMIT

Mr. KILGALLEN. Mr. President, I withdraw my motion to recommit Senate Bill 424, for the purpose of a public hearing.

Mr. DENT. Mr. President, I withdraw my second of the motion.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 424 on third reading, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1529) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the powers of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and muncipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

go over in its order.

The PRESIDENT. The motion to recommit Senate Bill 424, has been withdrawn and as there is no objection, Senate Bill 424 will go over in its order.

Is there objection? The Chair hears none.

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 457, on third reading entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the

incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 459, on third reading entitled:

An Act relating to the recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 486, entitled:

An Act authorizing certain existing beneficial or protective societies, heretofore incorporated, to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such corporations and limiting the amount for which such corporations may issue policies.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILLS OVER IN ORDER

Mr. FARRELL. Mr. President, I ask unanimous consent that the Senate Bill No. 486, just read, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 492, on third reading, entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 513, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and provdiing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing and clarifying the provisions of the act relating to the corporate name.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Geiger,	Mallery,	Shapiro,
Chapman,	Geltz,	McCreesh,	Sipe,
Coleman,	Gilson,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Homsher,	Mundy,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Walker,
Ealy,	Kunkel,	Rice,	Wolfenden,
Edmonds,	Lanius,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 514, entitled:

An Act to amend sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" changing the conditions for borrowing money for current expenses and authorizing a supplement budget and the bor-

rowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, Senate Bill 514 concerns the Senators from Allegheny County more than it does me; but it does concern me somewhat because this bill takes a step backwards for the Commonwealth of Pennsylvania.

In the 1938 Session of the General Assembly the Commonwealth of Pennsylvania for the first time in many years, acquiesced, after many years of fight, in the fight and effort made to get the Commonwealth of Pennsylvania in line with progressive states, by taking over full care and responsibility for insane and feeble minded patients. An Act was passed which, by its terms, provided for the immediate taking over of a Philadelphia insane institution then known as Byberry and requiring the Commonwealth of Pennsylvania, by May 31, 1939, to proclaim which of the institutions outside of the County of Philadelphia would be taken over. Now, I know there is in the Legislature a bill to extend the time of the taking over for a period of two years; but, in the meantime Allegheny County, as one of the counties whose institutions would be taken over, I understand, prepared its budget for 1939 on that basis.

This bill, I take it, gives them a right to make a supplementary budget and exercise the right to borrow money to meet the deficiency between their present appropriation and that which will be necessary in order to conform to the new attitude of this new Administration.

That is a matter for Pittsburgh, so far as this particular bill is concerned, but for me, I cannot let it go by without voicing my protest of the attitude of this Administration. While I agree absolutely in the principle of economy, I think that economy should be exercised in matters other than those which concern, so seriously, the welfare of helpless citizens of the Commonwealth. When the Commonwealth has taken a progressive step, such as we took in the Special Session, I do not think the $3,000,000 in each biennium that this would cost the Commonwealth is the difference between salvation and the ruining of the Commonwealth; and I want to voice my protest, and because of that I am going to vote "No" on this bill.

Mr. GELDER. Mr. President, I want to say to the Senator from Philadelphia, and his colleagues from Pittsburgh and other counties which have institutions that if the bill which he mentions is finally passed—and if this bill is not passed—if by voting against it they delay it—they will find that they just cannot operate those institutions for the rest of this year. They will have opened the doors and allow the inmates to leave.

If the other legislation fails to pass it will not be necessary to use this Act, but, as a precaution, I would say they should consider it well before they vote "no" on this legislation.

Mr. SHAPIRO. Mr. President, I am not suggesting to my colleagues on this side that they should vote "no". I tried to make myself clear on that. There is nothing for them to do except vote for the bill; but I wanted to put myself on the record as to my position so that there will be no misunderstanding. I am sure my vote will not be necessary to pass this bill.

Mr. McGINNIS. The State has taken over Byberry in the County of Philadelphia, and we, in Allegheny County, feel that inasmuch as our institutions were taken over by the State that they should remain there.

I said the other night, there are forty states in the Union that take care of their mentally ill and that this was a step under the last Administration, to relieve real estate back in the counties. If those institutions are returned to Allegheny County it will mean an additional tax on the real estate of Allegheny County of two mills. That, to my mind, is a step in the wrong direction. We tried in the last Administration to relieve real estate wherever we could; and the taking over of those institutions was in that direction. Now comes along this Administration which is trying to dump that responsibility back on to the county and back on to the real estate owner and the home owner.

I feel that the Administration, if it works hard enough, could find revenues to support the mentally ill of this State. The medical societies of the State, practically everyone of them, are in favor of this. It is an enlightened step; it is following the steps of other states in taking care of the mentally sick; and I feel we are taking a backward step by returning these institutions to the county.

Mr. WALKER. Mr. President, I do not wish to prolong the debate on this bill, but there is one impression I would like to correct. It is perfectly true that the millage in Allegheny County was reduced but at the same time it is perfectly true that the assessments were jacked-up, so that the dollars and cents the tax payers have paid is considerably more.

Mr. CAVALCANTE. Mr. President, I should like to interrogate the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I think the gentleman from Allegheny knows that the county budget has been prepared in Allegheny County and the levy fixed. Will the gentleman from Allegheny state whether, in making up the budget in Allegheny County, the maintenance cost of these institutions was considered and included?

Mr. WALKER. Mr. President, in answer to the question of the gentleman from Fayette, and, if you will forgive me, I will speak solely on hearsay—I understand it was not included, that the budget was prepared with the idea that the county would not have these institutions to look after. It was prepared and, according to the same information that I received, and still speaking on hearsay, Mr. President, it was prepared and put through upon what we knew we had to do. We would be placed in somewhat of an embarrassing position if we say to the people of Allegheny County that they are going to have to take care of those institutions for the balance of the year.

Mr. CAVALCANTE. Mr. President, I understand the gentleman from Allegheny, Mr. Kilgallen, is connected with the county solicitor—city solicitor. Will the gentleman from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, will the Senator from Allegheny, Mr. Kilgallen, inform this Senate whether he knows as a fact that, in making up the budget for the County of Allegheny and the City of Pittsburgh, the cost of maintaining these institutions was not considered?

Mr. KILGALLEN. Mr. President, it was not; and we feel that we could not, as a matter of law, set aside any money to take care of these institutions. It is a very hard situation that confronts us in Pittsburgh. Our money situation is not very good. We could, of course, float a bond issue—we will require somewhere in the neighborhood of $400,000. The City of Pittsburgh in that way can take care of the situation but it would be extremely hard.

Now, the county could in no way take care of the situation. The county, as I understand it, is without authority to borrow the money. How the county is going to finance the care of those patients is just outside of my knowledge. We are going to have trouble with the situation in Allegheny County in so far as the county patients are concerned.

Understand, Mr. President, in Allegheny County we have two institutions. We have an institution conducted and maintained by the city and we have a similar institution a number of miles away financed and taken care of by the county.

Now, as I have said, if this bill goes through, the county will in no way be able to raise the money to take care of their mental patients. It will be extremely hard for the city—we will have to float a bond issue—but the county can in no way take care of those patients.

Mr. WALKER. Mr. President, as I understand it, the present Act requires that a supplementary budget be prepared to take care of the needs in the county, if it is found necessary. Nobody has any desire to increase taxes in any county.

The County Commissioners had notice before they prepared and submitted the budget that such an action was contemplated, and this subject has been very carefully gone over. No one realizes more than my distinguished colleague, Mr. Kilgallen, that the Commonwealth of Pennsylvania is desperately in need of finances. It is impossible, because of physical surroundings, to take over the institutions because conditions are different and not analogous to taking over the Byberry institution.

We are just as deeply interested in maintaining these institutions in the Commonwealth and also in relieving real estate, but you can not do it this year. We do not have the money and we all know it. This is the only way the thing can be logically worked out.

We are willing to assume this burden. The real sensible thing to do on this bill is to carry this for the balance of this year. All we are asking the City of Pittsburgh to do is to carry it for the balance of this year until the Commonwealth is in a better position to take care of it. I think if the County Commissioners had waited that the County of Allegheny would have been in a position where this could have been worked out in the budget. This is the best arrangement that can be made with the budget and with a sympathetic interest of all of the taxpayers in mind.

Mr. SHAPIRO. Mr. President, I should like to ask the Senator from Pittsburgh, Mr. Kilgallen, a question.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. I will, Mr. President.

Mr. SHAPIRO. Mr. President, for my information I would like to ask the Senator from Allegheny, Mr. Kilgallen, this question: it is important to know whether this bill means anything, because it says you are entitled to make a new budget and borrow money. The question is, can you borrow money?

Mr. KILGALLEN. Mr. President, my understanding is that the county can not.

Mr. SHAPIRO. Mr. President, does the Senator from Allegheny, Mr. Kilgallen, mean that the borrowing capacity limit has been reached?

Mr. KILGALLEN. That is my understanding, Mr. President.

Mr. SHAPIRO. Then, Mr. President, this bill can not be worth anything.

Mr. EALY. Mr. President, when the Poor Boards were taken over by Act of Assembly in 1937, the counties were created into institutional districts and they were given a double barreled power, and this bill provides that the institutional districts may borrow money. If the County of Allegheny has borrowed up to its limit, the institutional district has the right to borrow just as much more as the county has.

In 1938, when the Senator from Philadelphia, Mr. Shapiro, was desirous of unloading Byberry upon the State, he joined in all other mental hospitals of the State for the purpose of getting support for his bill. When they passed the Act providing for the taking over of that institution they did not provide revenue to run that institution and we have already, in this Session, approved a deficiency appropriation bill for $1,045,000 to take care of Byberry up to the end of this biennium. It will require $6,000,000 or $7,000,000 to carry these institutions which were taken over by the Act of 1938.

The last administration provided no revenue for that purpose. I called attention to the fact at that time. The counties outside of Allegheny and Philadelphia are taking care of their own mental cases. They are doing it most successfully and most of them do not want to surrender their property to the State.

Mr. SIPE. Mr. President, commenting on the remarks of the distinguished gentleman from Allegheny, formerly from Armstrong, Mr. Walker, that Pennsylvania as a State is not able to take care of the burden of carrying this institution for another year but that Allegheny County is, I want to extend my heartfelt congratulations to the County of Allegheny in being more wealthy than the State of Pennsylvania.

As I view this bill, Mr. President, it simply means the adding of more taxes on the already over-burdened real estate holders in Pennsylvania; and in view of the rosy promises that were made by the Governor in the last campaign, and by the whole Reuublican party generally, this is simply another broken promise to the real estate holders in Allegheny County.

Mr. REED. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. REED. Mr. President, will the Senator from Susquehanna instruct the Senate as to how much this will cost the State?

Mr. GELDER. Mr. President, I have no idea how much it will cost the State, but I want to say to the Senator from Washington that the Senate is busy right now debating a bill that is in the House and not a bill that is on the calendar.

This bill on the calendar is simply a means for the districts to raise the money, provided the bills in the House, carry and are passed by the Senate. Without it the counties, which have those districts, are going to be in a financial predicament, and this bill is intended to get them out.

Apparently the counties that failed to take cognizance of the notice that was served early in this Session, that the law was going to be deferred two years, are like the gentleman who was willed a large legacy and started to spend it before he got the money and then found the money was not there.

The only thing I can tell the gentleman from Washington is that the Department of Welfare asked us to introduce this bill, and that it is simply a provision by which the home districts can raise the same money to take care of their institutions that they had raised last year and the year before.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Bartlett,	Farrell,	Miller,	Tallman,
Chapman,	Geltz,	Pierson,	Thomas,
Crowe,	Homsher,	Scarlett,	Walker,
Dando,	James,	Snowden,	Wolfenden,
Ealy,	Letzler,	Stevenson,	Woodward,
Edmonds,	Mallery,		

NAYS—20

Cavalcante,	Gelder,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Deitrick,	Jaspan,	McGinnis,	Shapiro,
Dent,	Kilgallen,	Owlett,	Sipe,
DiSilvestro,	Kunkel,	Reed,	Stiefel,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Mr. OWLETT. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "Aye."

Mr. GELDER. Mr. President, I wish to change my vote from "Aye" to "No."

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "Aye."

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 515, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the court of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying changing, and clarifying certain provisions of the act relating to the corporate name.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Mallery,	Shapiro,
Cavalcante,	Gelder,	McCreesh,	Sipe,
Chapman,	Geltz,	McGinnis,	Snowden,
Coleman,	Haluska,	Miller,	Stevenson,
Crowe,	Homsher,	Owlett,	Stiefel,
Dando,	James,	Pierson,	Tallman,
Deitrick,	Jaspan,	Reed,	Thomas,
Dent,	Kilgallen,	Rice,	Walker,
DiSilvestro,	Kunkel,	Ruth,	Wolfenden,
Ealy,	Lanius,	Scarlett,	Woodward,
Edmonds,	Letzler,		

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affrmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO RE-REFER SENATE BILL 22

Mr. JAMES. Mr. President, I ask unanimous consent that Senate Bill 22 be re-referred to the Committee on Judiciary Special for further consideration. This is the fireworks bill.

Mr. REED. Mr. President, I object.

The PRESIDENT. There is objection and the bill will be reported on the calendar tomorrow.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 537, entitled:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, when there were so many bills going over in order, I had high hopes of addressing the Senate for at least one hour; but owing to this recent debate I am obliged now to curtail my remarks.

This joint resolution imposes a tax qualification for the privilege of voting and it would require, I am sure, an hour to convert enough members of the Senate to pass this joint resolution.

I have been studying this question and concluded, among other things, that there are perhaps too many voters at this time.

I have been obliged to go back in our history on this matter of suffrage, I have gone back to the Declaration of Independence and remind you that in that well known phrase "life, liberty, and pursuit of happiness" the original draft of the Declaration was not only the pursuit of happiness but the pursuit of property.

I hope to briefly build up a background for the argument for the joint resolution by coming down through the ages as quickly as possibly from the Declaration of Independence.

I will say nothing about the War of 1812, nor about the Indian wars. For all Indian wars, I can refer you to the Senator from Butler, Mr. Sipe. I will say nothing about the Mexican War or about the Civil War. At the time of the Civil War it was remarked, among other things, by the rise of the Republican party.

We have had in Pennsylvania a totalitarian Commonwealth ruled by Simon Cameron and we had another totalitarian rule in our Commonwealth by Matt Quay. We have had another totalitarian rule by Boise Penrose. After the Penrose regime the Republican party shrank owing to the loss of leadership.

There then occurred the rise of the Democratic party. There arose what is known as General State Authority and dream of a super-highway, and we then had George H. Earle for President, we had George H. Earle for United States Senator and now we have George H. Earle in private life.

The Republican party again came into power. The platform on which the Republican party won its election was a very constructive one, namely, to oust all Democrats. The slogan of the Republican party is "Jobs for the jobless," but the question naturally arising to inquiring men is: "where are they?"

At this time Philadelphia became a Fourth Class city; the subways collapsed, water works collapsed, the City was put into bankhuptcy under 77-B by Harry Shapiro, and then the City Charter Act came along, the City Charter was voted on by the people, all the ward leaders, both Republicans and Democrats, left the City and prosperity returned to the City.

Philadelphia has now become a First Class city.

In the future there will be a monument on City Hall plaza dedicated to Senators Shapiro and Woodward.

Now, I stand here tonight representing the rich—the underprivileged rich—the underprivileged rich—There was a time when the rich were privileged and the poor underprivileged; but now we, the rich, are underprivileged and the shoe is on the other foot. There was a time not so long ago when it was disgraceful to own property. The Philadelphia Record is in the habit of labeling me the millionaire Senator from Germantown. They made two mistakes. I do not live in Germantown, and I am not a millionaire; but I felt somewhat hurt they did not call me a multi-millionaire Senator. I did not know whether to sue the Record for libel; I did not know whether it was a compliment or saying it with flowers, or whether it was a nasty remark. I have not made up my mind yet.

I claim that it is possible for a man of property to be a friend of the laboring man. I claim to be a friend of unionism. I am all for unions but I dislike John L. Lewis very much; and I think the leadership is very much at fault. I know from my acquaintanceship in my former home in the anthracite region that the anthracite men have been sold out from time to time by the leaders.

As the famous Lady Astor remarked to reporters in New York City when she was asked whether she believed in labor unions in the U. S. A., she said she believed the trouble was in their leadership.

Now, it was Theodore Roosevelt that invented the phrase "Malefactors of great wealth." Then that phrase was changed and the popular slogan became "Soak the rich" or, as our late Governor more beautifully phrased it, "Sock the rich."

I have not hesitated to write something about the leadership of Messrs. Pew and Grundy and I at one time offended them by saying they were Pied-Pipers of Hamlin leading the Republican party into a hole in the ground like Mammoth Cave where it is so dark that even the fish are blind.

I have since endeavored to discover the origin of this phrase "Soak the rich." I have found it goes all the way back to the Bible. As some of you men know and remember, there is the parable of Dives and Sazasur, and if you do not understand that I do not mind telling you that Dives was the rich man. Dives was in Paradise and there was a gulf. Dives was in the great gulf. He was a rich man, and I therefore argue that is the origin, the first example of soaking the rich.

Now, the truth of the matter is this, that the poor man the laboring man does not envy a man like Henry Ford. Henry Ford, through his own brain, made his fortune. The people who are the melefactors of great wealth are the people who manipulate the stock market. They do nothing constructive, they may almost be called parasites, and a perfect example of that class is Richard Whitney—now in Sing Sing. First he went to Harvard, and then he went to Sing Sing.

Now, the rest of my argument is that if we do not limit sufferage, sufferage will limit us. I would like to state to the Senator from Fayette, Mr. Cavalcante, that I hope he will turn on all his intellectual honesty and listen to this argument.

There are at this time over fifty per cent of the people of this country who have some property, they have insurance, or they have saving funds. There are something over fifty per cent who have no stake in the government. It is very simple, almost a mathematical proposition, that you will get under universal sufferage, where the 48 per cent or 49 per cent of the "have not," will become 50 or the 52 per cent and it is very easy for 53 per cent or 51 per cent to outvote 49 per cent and, therefore, I say, we will have to limit sufferage or sufferage will limit us.

This joint resolution was offered two years ago and I felt at that time that I was reminded of the phrase "fools rush in where angels fear to tread" I did not know which class I was in; but it was nice to remember, that this resolution failed two years ago by only two votes in the Senate. I am hoping, therefore, that this bill will have a majority

this time; but I ask unanimous consent not to vote at this time, until Senator Heyburn can return to his seat.

Mr. CAVALCANTE. Mr. President, the gentleman from Philadelphia has forgotten to place on the record another great transformation that has taken place since the time Captain John Smith ruled with an iron hand at Jamestown and up to the present time. I remembered very distinctly, when I was in grade school studying the early history of our country, the teacher used to impress very emphatically that great statement made by Captain John Smith that he who will not work shall not eat. Just mark the transformation from that time to the present. Now it seems that only those who will not work are entitled to eat, through our Public Assistance laws, and they who do no work, the privilege rich, like Dr. Woodward, they foot the bill.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 537, go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

RECONSIDERATION OF SENATE BILL NO. 514.

Mr. DEITRICK. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 514, entitled:

An Act to amend sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" changing the conditions for borrowing money for current expenses and authorizing a supplement budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. DEITRICK. Mr. President, I voted in the negative.

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How the Senator from Tioga vote?

Mr. OWLETT. Mr. President, I voted "no."

The PRESIDENT. The motion is to reconsider the vote by which Senate Bill 514 was defeated.

Are there any remarks?

The motion was agreed to.

The clerk will call the roll.

Mr. SHAPIRO. Mr. President, what are we calling the roll on?

The PRESIDENT. The motion was carried to reconsider the vote by which Senate Bill 514 was defeated.

Mr. SHAPIRO. Then, Mr. President, we are now voting on the bill?

The PRESIDENT. That is correct.

Mr. OWLETT. Mr. President, I insist that we are calling the roll on the motion to reconsider.

The PRESIDENT. The Chair rules that that was carried.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President I ask that Senate Bill 514 go over in its order.

MOTION TO RECOMMIT SENATE BILL NO. 22.

Mr. JAMES. Mr. President, I move that Senate Bill 22, reported out tonight, be referred to Committee on Judiciary Special for further consideration in that commttee.

Mr. TALLMAN. Mr. President, I second the motion.

Mr. REED. Mr. President, I desire to interrogate the Senator from Bucks, Mr. James.

The PRESIDENT. Will the Senator from Bucks permit himself to be interrogated?

Mr. JAMES. Mr. President, I will.

Mr. REED. Mr. President, I desire to ask the gentleman from Bucks what is the purpose for recommitting the fireworks bill known as Senate Bill 22.

Mr. JAMES. Mr. President, I desire to recommit Senate Bill 22 in order to consider the effective date of the bill. There were some members who were not present when this bill was considered today and I would like to have it reported back in order that we may reconsider the effective date of the bill.

Mr. REED. Mr. President, that is so trivial that I most vigorously object. This bill has been in committee since early in the Session. It is known as Senate Bill 22 and its number indicates it was one of the first bills introduced in the Senate. It rested in the Senate for some considerable time and it was one of the bills that was very hard to get out of committee.

Now, this bill was considered very carefully in the 1938 Summer Session. It has been before the public continuously since that time and it is a subject that is extremely alive in the Commonwealth today. I know what is going on in these halls concerning these fireworks bills today. It is the same old plan to juggle them around until the end of the Session and then there will be no fireworks bill passed; and I sincerely urge upon my colleagues in the Senate to vote this motion down.

Mr. MALLERY. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington Mr. Reed, permit himself to be interrogated?

Mr. REED. I will, Mr. President.

Mr. MALLERY. Mr. President, does the Senator from Washington understand that the bill, as it was reported out, does not become effective until after this coming Fourth of July?

Mr. REED. Mr. President, if that is the case that can be very easily taken care of without recomitting the bill and getting it frozen in committee again. The Senator from Blair well knows that a bill going back to committee at this late date—with the importance of this bill with the number of lobbyists that have been moving around this

Senate hall for the last two or three months—that its chances of getting out of committee will be very small.

Mr. MALLERY. Mr. President, I believe that the Senator from Washington is just as anxious to vote on this bill as I am. I think if we are going to have a fireworks bill—if it is a good proposition we might as well have it effective so that it will prohibit any injuries this coming Fourth of July. I think we are in accord on that and I do not believe there is any danger. What we want to do is make it effective right away.

Mr. REED. Mr. President, I am very much in favor of having Senate Bill 22 effective right away, and I think it can be done without recommitting the bill. Let those, who are interested in inserting an effective date in this bill, prepare an amendment and I will gladly go along. That amendment can be introduced without the bill going back to committee, where I am afraid it will be frozen.

Mr. JAMES. Mr. President, I would like to assure the Senator from Washington that it is with no purpose of delay that I want this bill referred back to committee; and I further assure the Senator, if this bill is referred back to Committee, that this Committee will report it out tomorrow and, therefor, it will only be delayed a few hours.

Mr. WOODWARD. Mr. President, I rise in support of the position of the Senator from Washington, on the theory that the burnt child dreads the fire. I was for the fireworks bill at the last Session and was more-or-less fooled because the bill was not regulatory, so I voted against the fireworks bill and I have been uncomfortable ever since. My local paper every week voices that fact, and, therefore, I am going to take any position I can to get a fireworks bill, no matter how bad it is.

Mr. SHAPIRO. Mr. President, I do not see any humor in this proposition at all. I recall very well that when we had this fireworks bill in the Senate, it had passed the House, and we had it on second reading; and I recall very well the day it came up for third reading, and everybody in the Senate thought it was going to go through, but the result of two days lobbying by manufacturers who are interested only in the sale of fireworks, who have no interest in the result—the careless use of those fireworks by children who do not know how to use them properly—they proceeded to lobby here with effect, and, as last effort—we were approaching Christmas they produced a Christmas card and used a holiday which is held in great seriousness by many people in this Commonwealth for their own sordid purposes. They sent out pictures of children saying "Merry Christmas, please save jobs for Daddy," but they forget to add on the Christmas card, "Please save fingers for children."

We are now approaching Decoration Day and they will find some appropriate cards with which to implore some of these gentleman to vote; and then we will have some other gentleman, in addition to the Senator from Philadelphia, Mr. Woodward, who will be ashamed; and if we do not look out we will have some who will be more than ashamed, because they will feel they were responsible for some injuries that were visited on some child, because they have not stopped playing with a bill that does not deserve the consideration that it is receiving, so far as the manufacturers are concerned. I am tired of having this bill made the basis of a public scandal and that is what is being done.

I never heard of such a reason. I was seeking the other day—on a bill which involves almost every dealer in the Commonwealth—I asked that that go over to make an amendment and what was the amendment? My amendment was to change the efiective date, and the gentleman suggested—

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, the gentleman from Philadelphia is not talking on the question at issue.

Mr. SHAPIRO. Mr. President, I am talking directly on the subject, whether this bill can be amended on the floor—

The PRESIDENT. The motion is to recommit.

Mr. SHAPIRO. Mr. President, for the purpose of amending the effective date, and I am now talking about the effective date, and that can be changed just like I am changing the effective date on the other bill, and this is certainly no time to proceed this way. This bill is not going to pass anyway. There is a bill in the House which has already passed and instead of taking the bill in the House and amending it and saving five days we are sending Senate Bill 22 over to the House and having it bottled over there, or they will have to adjourn before we do anything. Nobody is fooling me with that.

MOTION WITHDRAWN

Mr. JAMES. Mr. President, I, at this time, withdraw the motion I made, hoping that the matter may be ironed out in the meantime and I reserve to myself the right to renew the motion tomorrow morning. If there is any delay in the passage of this bill it is the fault of the gentleman on the left.

Mr. TALLMAN. Mr. President, I withdraw my second to the motion to recommit.

Mr. REED. Mr. President, I might say that if the Senator from Bucks desires that the effective date be advanced I will have an amendment drawn and placed in his hands so that he can introduce it on the floor of the Senate tomorrow.

Mr. SHAPIRO. Mr. President, if he does not, I will.

Mr. JAMES. Mr. President, we will prepare our own amendments without assistance.

Mr. DiSILVESTRO. Mr. President, I would like to interrogate the Senator from Bucks.

The PRESIDENT. Will the Senator from Bucks permit himself to be interrogated?

Mr. JAMES. Mr. President, I will.

Mr. DiSILVESTRO. Mr. President, I think I heard correctly that the Senator from Bucks said that he would withdraw his motion temporarily in order to present the same motion tomorrow. I would like to know whether he made that statement.

Mr. JAMES. Mr. President, I did not.

Mr. DiSILVESTRO. Mr. President, what did the Senator from Bucks say?

Mr. JAMES. Mr. President, I said I would withdraw the motion at this time with the hope that in the meantime matters might be straightened out—matters may be smoothed out and arranged, without the necessity of referring the bill back to committee. I reserve the right to make the motion tomorrow if necessary.

Mr. OWLETT. Mr. President, just in order to keep the record straight, with reference to this matter—I am not a member of the Judiciary Special Committee, but I listened with a great deal of interest to this argument and I think it ought to be pointed out that if this bill is amended on the floor it will have to go over for printing; and the further objection that has been made to referring this bill back to committee is that it will delay its passage one day more than if it were handled in the way the Senator from Bucks suggests.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

Mr. PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Will the Senator from Tioga tell us how we will lose one day if the bill is on second reading and we amend it tomorrow.

Mr. OWLETT. Mr. President, this bill was reported out this evening and will receive first reading today. Now, as I understand the Senator—

Mr. SHAPIRO. Mr. President, The bill is on second reading for tomorrow and will not be delayed.

Mr. OWLETT. Mr. President, the bill will have to go back on second reading tomorrow in order to amend it. It has had two readings. I am exactly correct.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 561, entitled:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (P. L. 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill on third reading as amended?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend title by adding: "and requiring the payment of interest and penalties on taxes based on such reduced assessments; Amend page 2, line 29, by adding the following: "and provided, further, that such appeals shall not operate to relieve the appellant from paying accrued interest and penalties on the amount of the assessment as finally established.

Mr. President, this bill was amended in committee but through some mistake the amendment is not printed in the bill. Although the bill is on third reading, I want to offer an amendment and I, therefore, request unanimous consent to do so.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 674, entitled:

An Act constituting a commission to examine the tax laws of the Commonwealth and of other States and countries and to prepare and submit bills to carry into effect its recommendations prescribing the powers and duties of said commission and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, this is a bill which creates a commission to examine into the tax laws of this state and other states with the provision that it shall report to the General Assembly at the next regular or special session of the General Assembly. In terms and powers it is identical with the act which passed the General Assembly in 1923 which was the last tax commission that we had of this nature. It is, of course, a subject which is bound to be much in our thoughts in the next year, unless we have very good fortune in our public financing, but it is estimated that for the year of 1938 the total tax collections in the United States were $13,800,000,000, and it is also estimated for the same year the gross income of all the individuals of the country, including salaries and wages and rent and dividends and interest, patent royalties and everything else we want to consider as income, was perhaps $62,000,000,000,000, so that 22 percent of the gross income of the country was taken for taxes last year, and even with that the budgets were not balanced, it would have been $18,000,000 rather than $13,800,000,000 if enough money had been raised to meet all the expenses of government.

Now, in order to meet this situation that has been caused by an exorbitant program bill after bill, ideas after ideas, have been tried to raise money. There apparently are no harmless taxes in existence today and I am very much afraid from the point of view of political expediency that there is no such thing as a good tax. We have gotten down to the stage where we have to raise more money. It has been estimated that, in all the general assemblies of the union in a two year period one thousand five hundred new tax laws will be passed by the different general assemblies; one thousand new tax laws will be added in the odd years when more of the general assemblies meet and five hundred will be added when only a smaller proportion of the general assemblies meet.

Now, at some stage of the game this must end. In the first place budgets have got to be stabilized and when they become stabilized there ought to be sessions without passing new tax legislation. I can recall in some of my own experiences in the House of Representatives, twenty years ago, that there were frequent periods in which there was no tax legislation considered. What we had then was a very fortunate system of general taxes at low rates, the effect of which was that, with the increasing prosperity there was increasing income for the States and that took up the slack and the increasing debts of the State.

Now, my theory is that with eight or nine years of emergency tax legislation, both in the State and nation, the time has come when a survey could very properly be made, and this act proposed a survey by a commission of nine, three named by the president pro tempore of the Senate, and three by the speaker of the house and three

by the Governor, and it is my feeling that that is the proper method to approach the taxing problem of this State. We have a great number of taxing laws that are inter related and if you make amendments into one you may possibly throw out of balance some of the other taxes. The whole subject has got to be studied and therefore, inasmuch as this bill provides what seems to me to be a reasonable and attested method of ascertaining what tax legislation is needed, I hope very much it will appeal to my colleagues on both sides of the house because it seems to me to indicate a right step of approach to what is one of our most important problems.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SHAPIRO. Mr. President, do I understand that the purpose of this commission is to study the substitution of taxes for the present biennium in place of the so called punative taxes which the Earle Administration is supposed to have imposed?

Mr. EDMONDS. It is my own thought, Mr. President, that approximately six months will be required to study these matters, but it is also my thought very strongly, if we need a special session to consider special questions that the commission should report at that time with ideas and different suggestions, and it is so stated.

Mr. SHAPIRO. Mr. President, does the gentleman from Montgomery feel that that is the only way to approach the solution of this problem, to substitute new or other taxes for these present ones?

Mr. EDMONDS. Mr. President, I would not say the only way, my thought would not be for an instant this would prevent us all from studying this subject and advancing such ideas as we might have. I think that this is the rational way of doing it.

Mr. SHAPIRO. Does the Senator from Montgomery mean that this is a rational way of studying the question of the substitution of one tax for another?

Mr. EDMONDS. Oh, Mr. President, certainly, yes.

Mr. STIEFEL. Mr. President, as a matter of fact, each decade has seen a commission appointed by this legislature, is that not so?

Mr. EDMONDS. That is correct, Mr. President, in 1913 we had a tax commission. Francis Shunk Brown, in 1927 headed another Pennsylvania Tax Commission, and I might say that commission in its final report called attention to the fact that our system would last for approximately ten years and then break down, and break down because of the demands of the public schools.

Mr. STIEFEL. In other words, Mr. President, history repeats itself?

Mr. EDMONDS. Absolutely, Mr. President.

Mr. STIEFEL. As a matter of fact, Mr. President, if the findings of the commission of the Senator from Montgomery in 1927 would have been adopted many of the present evils would have been avoided?

Mr. EDMONDS. Mr. President, I think that is true. As a matter of fact, two-thirds of the legislation that we recommended was adopted and we had one piece of great good fortune that I think perhaps the Senators here are acquainted with. In 1926 the Federal Government adopted a plan of allowing a drawback up to eighty per cent of Estate taxes that were actually imposed and paid. We had to defend that in the Supreme Court but it was eventually confirmed by the Supreme Court and taking up that slack was with I might say some ten million dollars a year on the average and that is one of the reasons we were able to hold on so long; but we made other recommendations as to business taxation—shifting from capital to income—which were not accepted at the time we made them and I think it would have been good for Pennsylvania if they had been accepted then.

Mr. STIEFEL. Will the appropriation for this commission produce approximately the same results?

Mr. EDMONDS. Mr. President, I think so. As a matter of fact, there was $25,000 appropriated in 1923 and this appropriation is only for $10,000, which is in accord with the ideas of economy of this administration. My own thought is that there is a difference between 1923 and 1938. In 1923 very little data had been collected on taxes. In 1938 we have today a current fund of data collected not only by business but commissions appointed by the state and auxiliary organizations of one sort or another, so that I think we start off with very much more material than there was in existence fifteen years ago, and for that reason we ought to be able to get along on less appropriation.

Mr. STIEFEL. Mr. President, I doubt very much whether or not ten thousand dollars will suffice the undertaking of such an extended study as this, because I believe they will be confronted with the famous myth—about industry moving from Pennsylvania—and they will have to delve into that problem all over again, so unless we have a monumental contribution to study the taxing and fiscal system of Pennsylvania the undertaking is really not worthwhile, and for that reason I believe that the appropriation of $10,000 will not be sufficient to present this legislature with a complete and exhaustive study of the taxes throughout the union and especially Pennsylvania.

Mr. REED. Mr. President, I desire to again interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. REED. Mr. President, I desire to inquire from the gentleman from Montgomery whether this commission will be necessary if the new Department of Commerce recommended by Governor James is provided for in our legislation during this Session.

Mr. EDMONDS. Yes, Mr. President, I would say so. I think that the relationship between the Department of Commerce and the taxing commission ought to be very intimate because unquestionably the Department of Commerce, if established, in its endeavor to induce new industries to come into the state, will find out the questions that are blocking their coming in at the present time.

The Department of Commerce would be an administrative department whereas this commission is a commission to provide new laws, it is a little different in its functions, and while I am inclined to think as years go on and the Department of Commerce gets better established this is the kind of work that might perhaps come from it.

I do not think it can come from it in the early days—at the present time. Might I say just a word and suggest to the Senator from Philadelphia, Mr. Stiefel, in regard to business coming into the state, it is not so much business

that has moved out of the state as it is business outside of the state that has considered the advantages of Pennsylvania, but then decide to go somewhere else. We have tremendous advantages to offer industry, we have splendid transportation, we have splendid facilities, all sorts and all kinds, we are the center of an enormous population, we are a big distributing area and one of the wealthiest distribution areas in the world—and yet industry will not come in if you get the reputation of passing four or five new tax laws every year, because they do not know what the future will hold for them.

We have got to get this system stabilized some way and I think that stabilization must result in the bringing of more revenue. Do not anyone for an instant think that taxes taken off and no new ones imposed. Any stabilization program must result in bringing in new revenue but the one particular thing we ought to question is the wisdom of new taxes before we make amendments.

Mr. STIEFEL. Mr. President, has the Senator from Montgomery examined the recent biennual census of manufacturers?

Mr. EDMONDS. In this State, Mr. President, yes?

Mr. STIEFEL. And, Mr. President, what is the result of the Senator from Montgomery's comparison of the biennual census of manufacturers for 1935 and 1937.

Mr. EDMONDS. I must confess, Mr. President, there is no conclusion suggested to my mind connected with the tax problem. Does the Senator from Philadelphia have one?

Mr. STIEFEL. I do, Mr. President.

Mr. EDMONDS. Mr. President, will the Senator from Philadelphia, Mr. Stiefel, enlighten me?

Mr. STIEFEL. Mr. President, the volume of business of the manufacturers of Pennsylvania for the period 1935 to 1937 increased 35 per cent, despite the so-called punitive taxes, which indicates that taxation has nothing to do with the growth of industry in Pennsylvania. Mr. Edmonds: Mr. President, not necessarily that. That might be a question of currency, a question of value of the dollar, it might be a question of machinery producing more than labor used to produce. I think all those elements have to be considered.

Mr. DENT. Mr. President, in the interest of economy I will refrain from asking the gentleman from Montgomery any questions, but I will ask my colleagues to go along and vote for it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Homsher,	Mundy,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Walker,
Ealy,	Kunkel,	Rice,	Wolfenden,
Edmonds,	Lanius,	Ruth,	Woodward,

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 498, (House Bill No. 436), on Page 4 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate bill No. 498, (House bill No. 436), entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, this is the Department of Commerce bill. I listened with great interest to the statement of the gentleman from Montgomery that a Department of Commerce would not be able to take care of the provisions or the purposes, of the bill we just passed, and I am going to inquire whether the gentleman from Montgomery and I am quite in accord with the gentleman from Montgomery, but as I read this bill I was wondering just what the Department of Commerce would be able to do. As I see the bill, it provides that the Department of Commerce shall investigate commerce, shall prepare data, file it away, induce people to come see the Pennsylvania State beautiful—one of the functions of the Pennsylvania Publicity Commission—and then proceed to abolish the Pennsylvania Publicity Commission.

I was under the impression the Department of Commerce was going to be a department which would invite business back to Pennsylvania and I think we spent several hundred thousand dollars in the Department of Publicity last year. I don't know how much business we invited back, but judging from the campaign speeches I think more business went out than came in—maybe it was because we spent so much money sending out pictures about Pennsylvania Beautiful.

I am going to say about this bill, that I do not see anything about this bill that has any meat in it that I can put my hands on and say it is going to accomplish something. I want to call attention to a bill which follows, which I understand amends the administrative code and it establishes a Department of Commerce with a secretary at a salary of $10,000 a year, and in that department a planning board—transfers a planning board which I understand has some distinct duties other than to bring business into Pennsylvania.

I should like to call attention to whoever is assuming responsibility for this bill to the fact that a planning board is provided for, a board of nine made up of five fiscal offices and four men to be appointed by the Governor appointed rather—I see nowhere in the bill who appoints those gen-

tlemen—so unless the administrative code provides that the governor shall appoint all of the members of the board existing at the time of its passage, and this department is created thereafter, you will have an anomalous situation of a board of nine with only five men who can be functioning. I wish to call attention of those responsible to that so that they may correct that.

Take the two bills together. I do not see where anything constructive can be accomplished and I would like someone to tell me where the money for the purposes for conducting this department—I think it is called Industry or Commerce—where that money is going to come from, and then I would like to know whether it would not be wise and proper to follow up and take the next step and change the Department of Labor and Industry to the Department of Labor.

It seems to me if we are going to do this job, if we are going to get anywhere that the thing to do is to make the Department of Commerce the Department of Industry and call it whatever you please and give it all the function heretofore exercised by the Department of Labor and Industry, and restrict the Department of Labor to its own functions, but simply to have two departments now—one of Labor and Industry and another of Industry to me seems nonsense. You are going to have a conflict between the two departments and you are going to make the new department degenerate into what I said it would be, nothing more or less than a publicity commission, and it seems folly to me to do that, there is nothing constructive in it.

I would like to know two things. First, why leave the Department of Industry remain where it is, and, where is the money coming from?

Mr. STIEFEL. Mr. President, I believe that the trouble with this bill is the fact that the department of commerce is a mosnomer. I looked up the definition of the word "commerce" and it means interchange of merchandise and I cannot see how this department can deal with the movement of good and besides that, in my opinion, there should be some statistics with regard to the duties of this department, and we have a very fine bureau of statistics and internal affairs. I fail to see how the new department can be called the department of commerce.

Mr. EDMONDS. Mr. President, I may not be in a position to answer all the inquiries which the first gentleman from Philadelphia made, but I am very glad to say the reason why I believe this is a good department for the State, this department of commerce idea—I remember it was first suggested in the gubernatorial campaign of 1922, the time when Gifford Pinchot was first elected, and he called attention to the fact that as the department of labor and industry had developed it had become primarily a department of labor and therefore the industry side needed other representation, not with a view of conflict between the two but with the view that the two would work together and while working together set an example to labor and industry throughout the state.

Now, I have been interested in some of the suggestions that have developed here. Here is an instance: "To investigate, study and undertake ways and means of promoting and encouraging the prosperous development and protecting the legitimate interests and welfare of Pennsylvania business, industry and commerce within and without the Commonwealth."

Now, what does that mean? A business today might seek to locate a branch in this State and will send a letter to the State to find out about business conditions there generally. Where would they go in Pennsylvania at the present time without this department? They might go to the Governor, they might go to the Department of Labor and Industry, they might go to the Bureau of Internal Affairs. The Bureau of Internal Affairs could give them statistics and the Department of Labor could tell them about labor conditions, but there is no one who understands business from a businessman's point of view. Now, I think we need that.

I was very much interested a few months ago in talking with my friend Mr. Robert Brown of Philadelphia who has been taking a deep interest in this question, and Mr. Brown spoke of his visiting Detroit, where he had a conference with Mr. Sloan, and he put to him the question why is it that General Motors has never located a plant in Pennsylvania and Mr. Sloan explained that there was a slight variation in one of our labor laws that made it impossible to work their shifts the way they wanted, they would have to work two eight hour shifts and our laws would not permit that. Another point was concerning women working. Our labor law for women does not permit a sixteen hour employment spread—it is only fifteen—and they therefore decided not to come into Pennsylvania—they concluded that Pennsylvania did not want an industry organized as theirs is.

Now, we only get that information through business men talking to business men. They are the people who are able to find out just what is in the minds of those that have organizations and sometimes they may be able to point out to us a very valuable thing that can be done which by doing will be of aid to the State.

Now, there is another thing I like very much and I want to suggest in particular because it has been considered in some resolutions that have been offered by other Senators, particularly those in the coal regions.

"To initiate, promote and conduct or cause to be conducted research designed to further new and more extensive uses and consumption of natural and other resources and their by-product and for such purposes to enter into contracts and agreements with research laboratories maintained by educational or endowed institutions in this Commonwealth and to expend appropriations made to the department for such purposes."

Take, for instance, anthracite coal which I claim some slight connectioon, because my own family came from the Schuylkill County region and we have always tried to keep in touch with that situation.

This is an industry that shortly after the war produced ninety million tons and today is producing from fifty to sixty million tons. Does that mean that anthracite coal has changed in its character? No. It means other things through research have been developed to take the place of anthracite and if that continues to take place to anthracite coal what happens to our thousands of anthracite workers? Their market is simply cut from under them. Business research should study those variations and out of the research work out a plan and offer that plan and see to it that the community takes advantage of the conditions, if it is to keep its business, if it is interested in the welfare of its people.

I think all of that can be done by a Department of

Commerce and therefore I regard this as a very healthy development in the organization of our State Government.

Mr. DENT. Mr. President, I do not believe we need this new Department of Commerce, it is another bureau, another commission, established to spend money when the duties that it is supposed to perform are now being performed or should be by the Secretary of Internal Affairs.

I read from the Pennsylvania Manual: "Bureau of Statistics. This bureau collects, by constitutional authority, compiles and publishes statistics and useful data and information relating and pertaining to labor, coal mining, oil and gas production, manufacturing industries, commercial operations, public service companies, taxes and assessment for local purposes, and other business interests of the Commonwealth."

"A decision of industrial statistics gathers, compiles, and disseminates detailed industrial information while a division of public utilities is charged with gathering information annually from the public service companies of the Commonwealth."

It goes on further and gives other duties of this particular bureau. Now, there is no necessity of standing here and saying we need a Department of Commerce when you have a Department of Commerce by constitutional authority. They can gather all this information; it should be gathered, it should be put into the various departments, giving it to them if they need it, as you prescribed a minute ago; and I think you will find in Pennsylvania Industrial Directory the questions and answers pertaining to anthracite reduction in production and so on, I do not believe we need this bureau—it is nothing but a little more patronage, in plainer words.

Mr. CAVALCANTE. In order, Mr. President, to make the statement of the gentleman from Westmoreland full and complete, I wish to state that the Constitutional authority mentioned by him in his statement is found in the Constitution in Article 5, Section 19.

Mr. WOODWARD. Mr. President, the truth is I think we need a Department of Commerce more than we need the Department of Internal Affairs. That is not a very gracious thing to say today, after the induction of the Republican Secretary with all those flowers. I was not at all enthusiastic about the Department of Commerce, nor was I about the Department of Internal Affairs when it was established, but there is one good word that can be said for it that has not been said. Recently, in Chicago there was a meeting of the Interstate Conference of Trade Carriers and unless I am very much mistaken Pennsylvania was not represented at that conference.

Now, I urged Mr. Brown, because I suspected very strongly that he would be Secretary, to go to Chicago at his own expense and he participated and defended Pennsylvania because Pennsylvania was held up as the worst example, as far as the liquor traffic is concerned, and when they met there was not one there to represent the State of Pennsylvania, and that has converted me to this Department of Commerce.

Mr. DENT. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. DENT. Mr. President, would the Senator from Philadelphia support a measure to do away with the Department of Internal Affairs?

Mr. WOODWARD. I would, Mr. President.

Mr. DENT. He would, Mr. President?

Mr. WOODWARD. I would.

Mr. DENT. Mr. President, will the Senator from Philadelphia, Mr. Woodward, cosponsor a bill with me and see that it gets out of committee?

Mr. WOODWARD. Mr. President, I will. I think he had better let me do it.

MOTION FOR BILL TO GO OVER IN ORDER

Mr. DENT. Mr. President, I understand there is a question of constitutionality and while we are working on that important problem I move that this particular bill go over in its order until we decide which department we want.

Mr. OWLETT. Mr. President, I object.

Mr. CAVALCANTE. Mr. President, in order to correct an error I made previously in speaking on that constitutional authority, mentioned by the gentleman from Armstrong, it is Article 4, Section 19 of the Constitution.

Mr. SIPE. Mr. President. I would like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SIPE. I should like to ask the Senator from Montgomery whether one of the principal functions of the proposed Department of Commerce would be to try and induce industries to come to Pennsylvania?

Mr. EDMONDS. Yes sir, Mr. President.

Mr. SIPE. That being the case, Mr. President, we should keep in mind that the Republican Campaign orators from the Governor down, last fall told the world that industry was being driven from Pennsylvania by the unjust destructive and injurious Earle taxes.

A day or two ago, after having adopted those Earle taxes, the Republican majority re-enacted the Earle taxes. Now, I wish to ask the Senator from Montgomery, in view of that action of readopting re-enacting, the Earle taxes which drove allegedly industry, in a large measure, out of Pennsylvania, what inducements can this proposed Department of Commerce offer to industry that has been driven out by these taxes to come back to get another sock?

Mr. EDMONDS. Mr. President, I am very glad to answer that.

This is what happened. The Earle taxes are being imposed because of the Earle deficit. We do not intend to keep them permanently. We do propose to find a better taxing plan if we can.

One of the bills on the schedule tonight provides an orderly method of dealing with it. Now, I never said in the campaign that the Earle taxes were driving industry out of the State. I said the Earle taxes were keeping industry out; and I think that is true. We do know of some cases where they drove industry out. In the case of the Viscose Company, they started their first plant at Marcus Hook and then after they succeeded there they expanded and built a second plant at Lewistown, Pennsylvania and then in 1936 they had the question before them of a third plant which they brought down to the State of West Virginia.

I stopped at Lewistown, returning from State College,

and I was very much interested to see that they were putting in new machinery, they were expanding the Lewistown plant, and they told me that they expected all the labor slack in that particular valley would be taken up with the expansion of the work of the Viscose Company.

I do not mean to say the Viscose Company are not going to expand in Pennsylvania until we get our taxing problem straightened out but I think that they hope that Pennsylvania will work out a plan for taxation which will at least give them a fair show and the moment business can get that Pennsylvania they will begin to come back.

I feel just as strong as ever on that and I believe in adopting these tax bills here we develop the trend of business in Pennsylvania. Business would rather go where there is an executive pledge of economy, business would rather go to a community where taxes are acceptable to them and if we can get past those two things there is still some hope for us, even in Butler county.

Mr. SIPE. Mr. President, I desire to further interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, permit himself to be further interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SIPE. Mr. President, I agree that the Senator from Montgomery is a gentleman. I wish to ask the Senator from Montgomery whether I am to understand from his remarks that the fleeting and flying industry will not be invited back to Pennsylvania by this new Department of Commerce until other taxes are substituted for the taxes which have driven so many out.

Mr. EDMONDS. Mr. President, I would say that the effort will be made at once to bring industry back, and in many, many cases I would very strongly urge that we say to industry, If you find Pennsylvania taxes so burdensome, what is the particular trouble? Are the taxes burdensome; the method of taxes—the method of taxation? I have in mind one business that has been in Pennsylvania twenty-five years that was ordered out by telegram. That business was ordered to take its Pennsylvania plant out of the state because our Department of Revenue insisted upon collecting a tax based on the sales in Pennsylvania, New Jersey, Maryland, West Virginia and Virginia, and for years that corporation has been paying on its sales in Pennsylvania alone, and the moment the Department of Revenue put that particular ruling on, the effect was that the main office of that business merely sent a telegram to the agency in Philadelphia to withdraw.

I think if they become convinced we are approaching this tax question in a broad and tolerant way, in a way that has some basis in equity—business is not trying to get out of paying taxes, it realizes it is going to have to pay taxes, nevertheless it must be taxed according to methods that appeal to its sense of justice.

I appeal to the gentleman from Butler—if he had to deal with a client that felt he was perfectly willing to pay on the Pennsylvania sales but was not willing to pay on sales in five more states, whether or not he would not sympathize with that client. I think myself it was a great mistake in Pennsylvania, if, for the sake of a slight temporary advantage, we tried to do something that looked like gouging. Now we have to get rid of that.

Mr. SIPE. Mr. President, I should further like to interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be further interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SIPE. Mr. President, I want the gentleman from Montgomery to say whether or not the task of the new or proposed new Department would be easier if the Republican administration, instead of reenacting the taxes, which it told the world were injurious and were driving industry out of Pennsylvania, had had the wisdom to dig up some taxes that would not be injurious and that would not drive industry out of Pennsylvania.

Mr. EDMONDS. Mr. President, I hope myself that we can get a better taxing system than that we have voted into being at this Session, or voted into being two years ago. I hope and believe we can get a better system than that; but before we get it we have got to have expenses stabilized. Taxation is a little bit unlike ordinary budget making—ordinarily you earn a certain amount of money and then budget it, but in government you first estimate expenses and then budget income. It seems to me you have got to have a real study made of expenses before you can estimate what normal expenses are. Then after that comes the problem of raising that money and raising it in ways that will not countenance gouging of the business industry at this state.

Mr. SIPE. Mr. President, it occurs to me that the administration is not in a very good position to command confidence in it on the part of those industries that have fled the State on account of the very injurious taxes of the Earle Administration which the present administration is re-enacting. The present administration, when running for office, held itself out to Pennsylvania business, and to business generally, as having a great deal of wisdom, at least having enough wisdom to say to a breathlessly waiting world that the taxes of the Earle Administration were very injurious and were driving industry out of Pennsylvania.

I claim that those driven industries, those industries that fled, will not likely have very much confidence in the wisdom of the Administration, in view of the fact that after having made this pronouncement to the whole world, it has not, to the present time, been able to dig up new taxes as a substitute for those vicious taxes and reenact them; and I am wondering how long it will take the present Administration to establish confidence in them, on the part of those industries that fled and have been deceived, at least, they have been greatly disappointed, I think, in view of the fact that after so decidedly telling the World how vicious those taxes were, they could do nothing better, after six months, than to re-enact every one of those important acts.

I think that the industries that fled are wondering when, if ever the day will arrive when this Administration will have the wisdom to dig up taxes that will not be injurious to industry and will not drive them out of the State.

If the administration during all these months has not yet had a lucid interval in this respect, how long will these industries have to wait, how long will Pennsylvania have to wait to get taxes that will not be injurious and drive industries out of the State.

Mr. STIEFEL. Mr. President, I expect next Tuesday to submit some remarks which will be of an explosive

nature. It will explode the famous myth about industry fleeing from Pennsylvania.

We have been told about industries moving to South Carolina, North Carolina, New York, Wisconsin, Illinois and Indiana—all of them—we have heard of that same lament here in Pennsylvania, about industry moving from the State of Pennsylvania.

I am going to wait until Tuesday to make a statement—I have a few further studies to make—but may I only state for the sake of the record that the Viscose Corporation left Pennsylvania not to escape new taxes but because of labor legislation.

Mr. DENT. Mr. President, the remarks of the Senator from Montgomery, in answer to the interrogations, have covered a very wide field. When you sit here on the floor after a year and a half of study relative to the question of taxation on industry, which has a direct bearing on the question before us tonight, and hearing the statements from the gentleman from Montgomery relative to the position of industries, that have stayed out of Pennsylvania, and some of those who have fled from Pennsylvania purely on the basis of the taxing problem, that they are now going to come into Pennsylvania and return here, those that have fled, because of their faith in this new administration, I want to say that their faith in this new administration is balanced and predicated upon the profits and losses of their industries, if they are true business men, they are coming back to Pennsylvania—if they do—new industries will come to Pennsylvania not upon the faith they have in this administration or the taxing program, but upon the faith that this administration will destroy the labor legislation that they think is retarding them.

Look on the calendar in the House. Look at the calendar in the Senate. Every progressive piece of labor legislation that was passed by the Earle administration is under fire at this time and so the industries, particularly the Viscose Company, whom I had the pleasure of hearing in Philadelphia, are not so much interested in taxes they pay but in who is the tax collector.

I stood on the floor of this Senate when I reported the findings of my tax studying commission—and the very men who complained about the taxing problem in Pennsylvania the day after the general election last fall, forgot all about the taxing problem and burdens in Pennsylvania and started to tear down the taxing structure of the Federal government. The same myth that was used in Pennsylvania to destroy the faith of Pennsylvania in this Commonwealth and the Democratic administration is now being used to so destroy the faith, as you put it, and the confidence of the American business man in the Federal administration.

There is no point in debating here this evening on the question of whether taxes have any bearing on industry in Pennsylvania, but I want to say to the members of the Senate that that particular type of businessman is ninety-nine per cent politician and one per cent businessman.

He is more interested, and I repeat, he is more interested in the tax collector who is going to collect those taxes, what administration is going to be at the helm of Pennsylvania or the Federal government, than in the question of keeping taxes lower.

The gentleman from Montgomery recognized that when he said industry recognizes that it must pay large taxes. Industry recognizes that. Then why don't they quit crying about the taxing problem in the Federal government and settle down to formulating a taxing problem in Pennsylvania, in the year 1939, relative to the taxing problem of Pennsylvania? I say to every member of this Senate that the promises held out by this administration for the business man that Mr. Edmonds spoke about—have confidence and faith in—promises to create a bon fire, to destroy the liberal and humane legislation placed upon the books by the Democratic administration, of which I am so proud to have been a member.

Mr. SHAPIRO. Mr. President, I am very serious about this situation. I do not know how making a political issue out of this got mixed up with the question of our present taxes, but I have read this bill carefully.

When I first read it I had mostly in mind what the Governor said what the purpose of this department was, and when I read it again, last night, I got the definite impression and came to dintinct conclusion that all this bill does is to set up this department which has the right to investigate, to inquire into and gather data on statistics, on certain subjects mentioned in this bill and here I find the constitution provides, as a constitutional duty for the Secretary of Internal Affairs that he shall embrace, the Department embrace the Bureau of Industrial Statistics, and he shall discharge such duties in relation to corporations, charitable institutions, agricultural, manufacturing, accounting, mining, mineral, timber and other materials or business interests of the state, as may be prescribed by law, and he shall annually or at each such other time as may be required by law make reports to the General Assembly.

Now, the Department of Labor and Industry under the administrative code, section 2202—and I am not going to read them, there are too many—they have an industrial investigating bureau and they have all of the functions that are mentioned in the commerce act.

I do not think that upon a careful reading of the proposed commerce bureau and the Constitution and of the labor bureau you will find much, if anything, that is not covered by both those bureaus.

You are going to have duplication so far as this Internal Revenue Department is concerned, at least to the extent to which it makes investigations and compiles statistics regarding industry.

You are going to have conflict with the labor and industry department and my thought on the whole matter is some people want to vote for this new bill, because the two departments are not carrying out their functions. That is all there is to the proposition.

The Senator from Montgomery, Mr. Edmonds, said something about a gentleman from Detroit, Mr. Sloan, I think it was, coming to Pennsylvania—he could have gotten all that information from the Department of Labor and Industry, and what is more important he cannot get any help from the Department of Commerce as now proposed, because only the Department of Labor and Industry could look into that and give him that information, and if the head of that department was a labor man he could not get any help because they would not stand for a reduction in hours.

There is not a thing in this department that it can do except investigate and report, there are no teeth in this bill that gives them the right to bring industry in; it can

made recommendations, and we have got those two departments now, and nobody yet has told me where the money is coming from which will support this new department which is going to investigate and make recommendations to the General Assembly, which is what the Bureau of Internal Affairs can do, and it is because it does that I am inclined to vote against this bill, because I see no reason for it, and certainly I see no money for it and just to have a department head, to make out of an investigating bureau really a commission, make a cabinet office out of it seems to me to be varrying it a little bit too far, and I am afraid this is just an effort to keep a promise that was made, even though it develops the keeping of this promise will not bring any result. You have a new $10,000 cabinet officer and a new group of employees who will be vieing with each other to get statistics—with two other groups empowered by law to do just what this new department is empowered to do. It seems to me unnecessary, and certinly there is nothing constructive about it.

Mr. MALLERY. Mr. President, I have listened attentively to the Senator from Philadelphia, Mr. Shapiro, and I hope that he is sincere and not motivated by politics. The same arguments that he would advance against this bill could have been advanced against the Publicity Commission, which I was glad to support, and which I believe did a real worthwhile job.

Now, this commission will continue the work of the Publicity Commission. I have that assurance from the gentleman in who, it would be supposed, will head this commission. That was a worthwhile proposition—to spend money to induce tourists and residents of other States to come into Pennsylvania. We cannot compel industry to come into Pennsylvania—I agree with the Senator from Philadelphia—but if we can induce tourists to come in, a live wire man at the head of this commission may be able to give information and induce business to come in; and if that can be accomplished I do not think any of us want to resort to politics, and I hope that all of the members of this Senate will support this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Scarlett,	Wolfenden,
Ealy,	Lanius,	Snowden,	Woodward,
Edmonds,	Letzler,		

NAYS—16

Cavalcante,	Jaspan,	McGinnis,	Ruth,
Coleman,	Kilgallen,	Mundy,	Shapiro,
Dent,	Kunkel,	Reed,	Sipe,
Haluska,	McCreesh,	Rice,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

The PRESIDENT. A verification of the roll has been requested. The clerk will proceed to read the affirmative votes.

The clerk read the affirmative votes as follows: Messrs. Bartlett, Chapman, Crowe, Dando, Deitrick, Ealy, Edmonds, Farrell, Gelder, Geltz, Homsher, James, Lanius, Letzler, Mallery, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden and Woodward.

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The clerk proceeded to read the negative votes, which were as follows:

Messrs. Cavalcante, Coleman, Dent, Haluska, Jaspan, Kilgallen, Kunkel, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Stiefel and Sipe.

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 499, (House Bill No. 437), on Page 5 of the Calendar. This is a companion bill to the Department of Commerce bill.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 499, (House Bill No. 437), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Scarlett,	Wolfenden,
Ealy,	Lanius,	Snowden,	Woodward,
Edmonds,	Letzler,		

NAYS—17

Cavalcante,	Jaspan,	McGinnis,	Ruth,
Coleman,	Kilgallen,	Mundy,	Shapiro,
Dent	Kunkel,	Reed,	Sipe,
DiSilvestro,	McCreesh,	Rice,	Stiefel,
Haluska,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. WOLFENDEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 412, (House Bill No. 331), on page 2 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 412, (House Bill No. 331), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to amend section 2, page 2, line 20, by striking out after the word "than" and before the word "per" the word: S "six" and inserting in lieu thereof the word: "four".

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to present amendments, and I would like to explain their contents for the information of the Senate.

The PRESIDENT. Does the gentleman from Philadelphia wish to present the same amendments as are being presented by the Senator from Indiana, on the same bill?

Mr. SHAPIRO. On the same bill, Mr. President. This bill has been giving me a great deal of concern and I have not made up my mind as to how I am going to vote on this bill; but I do feel that this is the type of bill that we will all agree, I am sure, the Constitutionality of which can be questioned, and I do not want to see the same situation arise here that we had in the Federal Government where a law was enacted—the N.R.A. Law and I think it was the Schechter Brothers contested it and the Supreme Court ruled the law was unconstitutional and by that decision the N.R.A. was put out of business. I have explained my amendment to the sponsor in order that there will be complete understanding. I have substituted, where it says in this bill that it shall become effective sixty days after final enactment, the following: "This bill shall become law November 1, 1939." I fixed that date because the Supreme court will be in Session the first week of October and I think that that will be time enough to test the matter.

Mr. WOLFENDEN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Certainly, Mr. President.

Mr. WOLFENDEN. Mr. President, I would like to ask the gentleman from Philadelphia, Mr. Shapiro, if the amendment is agreed to will he vote for this bill?

Mr. SHAPIRO. Mr. President, I cannot answer that question one way or the other, but I do feel that if the bill is passed, with or without my vote, there ought to be that protection so that the people will not be bound by a bill which may subsequently be found unconstitutional. I assure the Senator from Indiana I have an open mind on the bill.

Mr. MALLERY. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Certainly, Mr. President.

Mr. MALLERY. Mr. President, I would like to know how the bill can be brought into question before it becomes effective—how the constitutionality of the law can be questioned. The Supreme Court is not going to pass upon it if it is not a law.

Mr. SHAPIRO. Oh yes, Mr. President, the Supreme Court will pass on this because it is a law and an injunction to restrain enforcement of it can be sought—because by the time the question comes before any court—by the time of the decision the law will be effective. I have not any question about that; I am quite sure of it. I think in one or two cases that has been done.

Mr. DENT. Mr. President, as I understand this Act it is supposed to go to the fair retail price act. I cannot understand the interest displayed by my colleague from Philadelphia, Mr. Shapiro, in protecting or giving aid to someone who is demoralizing the market. This only states, in the Act, that a person will sell goods, commodities, at the cost price plus six per cent. This is only a measure giving the corner groceryman some sort of a weapon to use to keep the large chain stores from driving him completely out of business by using as leaders marked-down goods.

I do not think this amendment was particularly—I was going to yield to the gentleman from Philadelphia, Mr. DiSilvestro, but I think he only wants to help me and not take the floor entirely.

Mr. President, to continue, I do not believe this amendment is at all necessary, and I heard this same gentleman from Philadelphia talking about lobbyists coming in here and wanting the effective date on the fireworks bill changed; and I am going to say to him there have been some lobbyists to see me to change this effective date on this particular bill. I do not whether they saw him or not, but the amendment is here.

Now, Mr. President, this amendment is not necessary and if we are going to help these people, if we recognize this thing as an evil and want to get rid of it, why sit around until November—let us go on ahead now.

There are sixty days, in the bill now they are given sixty days in which to adjust their business.

All we say to all these retailers is, "We are giving you a measure whereby you can make some money;" and I do not think we are going to help them make money if we say we do not want them to make money until November.

Mr. President, I am very much interested in this legislation and my retailers at home do not want it to take effect November 1, they want it to take effect as soon as possible; and so I am going to ask my colleagues to vote "no" on the amendment.

The PRESIDENT. The clerk will read the amendment.

The amendment was read.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parlimentary inquiry.

The PRESIDENT. The Senator from Tioga will state his question of parlimentary inquiry.

Mr. OWLETT. Mr. President, I would like to inquire whether the amendments introduced by the Senator from Indiana have already been adopted.

The PRESIDENT. The Chair so understands.

Mr. OWLETT. Then, Mr. President, at this time, as I understand it, we are voting merely on these last amendments.

The PRESIDENT. The Chair so understands.

Mr. CAVALCANTE. Mr. President, as I understand the matter, this bill is on third reading at this time and unanimous consent has been asked to make amendments, and I heard the gentleman from York, Mr. Lanius, object to the unanimous consent.

Mr. SHAPIRO. Mr. President, I would like to say on that, if that is the position, I am going to ask that this bill be moved back to second reading, because I talked to the sponsor of this bill on the floor of this Senate and asked him whether he would allow the amendment to be made so that we would not have this very question raised; and if that is what is going to happen then I am going to take the position that this will be a dangerous bill in its present condition and ask that this bill go back to second reading.

I have tried to be fair about the matter and I am going to ask my colleagues to vote against this bill because I believe it is not fair to take that position on the matter.

I agreed and raised no objection to the gentleman from Tioga's motion. If I had objected it would have had the same effect; but and it was an agreement among the Senators, a gentlemen's agreement, that this amendment would go in, and I made no objection; if I had, the bill would have been back on second reading. I think if that is the position the Senators are going to take, we have arrived at a new method of dealing among ourselves.

Mr. WOLFENDEN. Mr. President, just to keep the record straight, the gentleman from Philadelphia did ask me if I had any objection to his amendment, and I told him I did not like it, that I did not think it was necessary, but I did not have any objection to it. I still do not see the necessity of putting the enforcement off until November. I think his argument about having the Supreme Court meet and decide the matter is falacious, but since he takes that position I will vote with him, I will not be in the position of having broken my word; I will vote for the amendment but I still do not think it is necessary.

Mr. DENT. Mr. President, is the gentleman from Indiana considered as the sponsor of this bill?

Mr. WOLFENDEN. Mr. President, it is a House bill, and I have no interest in it except that people have asked me to be interested in it. I did not write the bill or introduce it.

Mr. DENT. Mr. President, I can understand, of course. the situation as it exists between Senator Wolfenden and Senator Shapiro, but if at any time two Senators on the floor are going to make personal agreements between themselves and involve the action of the whole Senate, then of course we are coming into a new departure in Senatorial action. I am willing to do exactly what I said a while ago. If the Senator from Indiana is satisfied with the amendment I will withdraw my objection, but I still think it is foolish.

Mr. CAVALCANTE. Mr. President, I heard the gentleman from York objecting.

The PRESIDENT. Does the gentleman from York, Mr. Lanius, withdraw his objection?

Mr. LANIUS. Mr. President, I decline to withdraw my objection.

Mr. SHAPIRO. Mr. President, I move that the vote by which this bill passed third reading be reconsidered.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, the bill has not yet passed third reading.

Mr. SHAPIRO. Mr. President, I did not say it had passed third reading—if I did I meant second reading. This will not delay the bill and I ask that the vote by which it passed second reading be reconsidered. I want to say this was not a private agreement between the Senator from Indiana and myself, but a public agreement made on the floor of this Senate; I asked specifically whether the question would be raised and I was told it would not be raised, and I accepted the gentleman's word in the presence of all the members of the Senate.

The PRESIDENT. How did the gentleman vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

Mr. WOLFENDEN. Mr. President, I do not like the statement of the gentleman from Philadelphia. He places me in a very embarrassing position, it places me in a position where I have nothing else to do except to be coerced into voting for his amendment.

Mr. MUNDY. Mr. President, I think some of the rest of the Senators are concerned in this particular bill. I have sat mutely here. I am concerned in the bill and have stood by and seen action delayed on the bill. I would like to see some kind of action taken on this particular bill and taken tonight. I cannot see why some of these amendments were not put in when the bill was on second reading.

The PRESIDENT. Is there a seconder to the motion of the Senator from Philadelphia, Mr. Shapiro? The Chair hears none.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Mr. REED. Mr. President, may I inquire whether this bill is properly before the Senate on third reading and whether the amendment offered by the Senator from Indiana is merely a strike out amendment?

Mr. CAVALCANTE. Mr. President, I understood it is to strike out "six" and insert "four."

Mr. OWLETT. Mr. President, the bill is not being voted on; it is going over for printing, and will appear on the Calendar on final passage tomorrow.

The PRESIDENT. The bill has been amended and now goes over for final passage, and will appear on the final passage Calendar tomorrow.

Ordered, To be laid aside and printed for the use of the Senate.

BILL ON THIRD READING

Mr. EALY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 305, (House Bill No. 374), on Page 2 of the Calendar.

Mr. OWLETT. Mr. President, I second the motion.

It was agreed to.

Mr. EALY. Mr. President, House Bill No. 374, on page 2, has been held over from time to time and I should like to see it gotten out of the road. It was sort of tenatively agreed, on the floor of the Senate, that on page 4 of this bill the words "of such register or" should be stricken out. I ask unaimous consent to offer an amendment for that purpose.

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

MOTION TO RECONSIDER

Mr. EALY. Mr. President, I move that the vote by which this bill passed second reading be reconsidered.

The PRESIDENT. How did the Senator from Somerset vote?

Mr. EALY. Mr. President, I voted "Aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator from Tioga vote?

Mr. OWLETT. Mr. President, I voted "Aye."

On the question,

Will the Senate agree to the motion?

Mr. MUNDY. Mr. President, I shall vote against these amendments on the same basis as I acted in opposing the preceeding amendments. I say they should have been presented earlier.

The PRESIDENT. The motion now before the Senate is on the reconsideration of the vote on second reading.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and Mr. EALY and were as follows:

YEAS—37

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Gelder,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Haluska,	McGinnis,	Stevenson,
Crowe,	Homsher,	Miller,	Tallman,
Dando,	James,	Owlett,	Thomas,
Deitrick,	Jaspan,	Pierson,	Walker,
Dent,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Lanius,	Ruth,	Woodward,
Edmonds,			

NAYS—4

Kunkel,	Mundy,	Shapiro,	Stiefel,

So the question was determined in the affirmative.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 305, (House Bill No. 374), entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 305

Mr. EALY. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senate vote?

Mr. EALY. Mr. President, I voted "aye".

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. EALY. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Section one of the bill was severally reconsidered.

And the question recurring,

Will the Senate agree to section one of the bill?

Mr. EALY. Mr. President, I move to amend Section 3, page 4, line 11, by striking out the words S "of such Register or"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act roviding for the imposition and collection of certain taxes upon the transfer

of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WALKER. Mr. President, I move that the Senate do now reconsider Senate Bill No. 569, (House Bill No. 733), on Page 7 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 569, (House Bill No. 733), entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Gelder,	Mallery,	Shapiro,
Chapman,	Geltz,	McCreesh,	Sipe,
Coleman,	Haluska,	McGinnis,	Snowden,
Crowe,	Heyburn,	Miller,	Stevenson,
Dando,	Homsher,	Mundy,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Walker,
Ealy,	Kunkel,	Rice,	Wolfenden,
Edmonds,	Lanius,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. GELTZ. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 308, (House Bill No. 480), on Page 2 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 308, (House Bill No. 480), entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealng inconsistent legislation

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Farrell,	Mallery,	Shapiro,
Cavalcante,	Gelder,	McCreesh,	Sipe,
Chapman,	Geltz,	McGinnis,	Snowden,
Coleman,	Haluska	Miller,	Stevenson,
Crowe,	Heyburn,	Mundy,	Stiefel,
Dando.	Homsher,	Owlett,	Tallman,
Deitrick,	James,	Pierson,	Thomas,
Dent,	Jaspan,	Reed,	Walker,
DiSilvestro,	Kunkel,	Rice,	Wolfenden,
Ealy,	Lanius,	Ruth,	Woodward,
Edmonds,	Letzler,	Scarlett,	

NAYS—1

Kilgallen,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

MOTION TO CONSIDER BILLS ON SECOND READING

Mr. OWLETT. Mr. President, I move that we proceed to the consideration of bills on second reading on the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 140, as follows:

An Act affecting cities of the second class A authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of elections and officers of boroughs townships and cities of the second class A and providing for the payment of the indebtedness of the various territorial units involved

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any borough or township may become annexed to a city of the second class A within the same county under the circumstances hereinafter set forth and in the following manner namely

There shall be presented to the court of quarter sessions of the county a petition signed by qualified voters of the borough or township proposed to be annexed equal in number to at least twenty per centum of the highest number of votes cast for any office at the last preceding general election in such borough or township Such petition shall set forth the desire of the petitioner for the annexation of such borough or township to such city of

the second class A and shall request the court to direct that a vote be had upon the question as hereinafter provided Such petition shall be subscribed by the petitioners within three months immediately preceding the presentation thereof to the court and shall be verified by affidavit of one or more of the petitioners

Section 2 The petition shall be filed and thereupon the court shall direct notice to be given by legal advertisement published in all newspapers of general circulation that are both printed and published either in such city of the second class A or in the borough or township proposed to be annexed thereto The court shall fix and the advertisement shall set forth a date which shall be not less than one month and not more than six weeks after the filing of such petition when the court will hear the same and all exceptions that may be filed thereto Said notice shall set forth the substance of said petition but without publishing at length the names of the signers thereto and shall be published once a week for three consecutive weeks commencing within one week after the filing of such petition Any resident taxpayer of the borough or township proposed to be annexed or of the city of the second class A to be affected may file exceptions to such petition on the ground that such petition does not contain the number of bona fide signatures of qualified voters required or in other respects fails to conform with the provisions of this act

Section 3 At the time fixed the court shall examine said petition and if any exceptions are filed thereto a hearing shall be held thereon If the petition be found to be defective it shall be dismissed but without prejudice to the filing of other petitions at any time for the same purpose If the petition be found to be in proper form the court shall as soon as practicable thereafter make an order directing the county board of elections to include in the next municipal or general election to be held not less than sixty days thereafter as a question to be voted upon by the qualified voters of both of the borough or township proposed to be annexed and of the city of the second class A affected thereby

"Shall the borough (or township) of ..... be annexed to the city of .....?" or substantially similar wording This question shall be followed on the voting machine labels or ballot labels by the words "yes" and "no" with appropriate squares or markings to permit the said voters to vote conveniently upon said question The voting upon such question and the computation and return thereof shall be in accordance with existing law as to votes taken upon other questions submitted to the electorate

Section 4 If it shall appear by the vote when counted that a majority in the borough or township proposed to be annexed has voted for annexation and that a majority in the city of the second class A affected thereby has likewise voted for annexation the court shall enter a decree accordingly But if the vote in either such borough or township or in such city is unfavorable the proceedings shall be dismissed and in such case no new petition for the annexation of the same territory shall be submitted to a vote prior to the first day of November of the fourth year thereafter In case a borough or township applied for annexation prior to the passage of this act and was acted upon unfavorably in such case no petition for annexation of the same territory shall be submitted to a vote prior to the first day of November of the fourth year thereafter

Section 5 If a decree be entered for annexation the territory so annexed shall on the first Monday of January thereafter become a part of the city to which it is annexed The territory annexed shall pay its own floating and bonded indebtedness and the interest thereon as said floating and bonded indebtedness exists at the date of annexation and for that purpose an annual tax shall be levied by the city to which it is annexed and it shall be levied upon the subjects of taxation in such annexed territory only Such annexed territory shall not be liable for the floating or bonded indebtedness of the city to which it is annexed as the same shall exist at the date of annexation but the same shall be provided for principal and interest by an annual tax to be levied by such city upon the subjects of taxation within its limits as the same existed prior to annexation Any judgments recovered after annexation based upon any cause of action outstanding at the time of annexation including liens for local improvements shall be payable only out of the annual taxes that may thereafter be levied solely upon the subjects of taxation within the territory wherein such obligation was originally incurred In case of annexation the court may appoint commissioners to ascertain the floating and bonded indebtedness of the territory annexed and of the city to which it is annexed An account shall be taken of all moneys on hand or receivable applicable to the payment of the floating or bonded indebtedness of the respective portions at the date of annexation and such money shall be collected and received by such city and shall be applied in payment of the floating or bonded indebtedness of the respective portions Provided however That all delinquent taxes levied for debt service in each respective portion shall when collected be used exclusively for such purpose in respect to such portion until such time as such debts shall be fully paid Provided further That all other deliquent taxes shall when paid be applicable to the general current revenues of such city as the same shall exist after annexation The territory annexed shall as soon as practicable be arranged into wards of the city to which it is annexed

Section 6 Nothing herein contained shall authorize the annexation of any borough or township whose boundary is more than three miles distant from the boundary of such city of the second class A as the same shall exist at the time of the presentation of the petition for annexation

Section 7 Nothing herein contained shall be construed to affect the common school laws applicable to the territorial limits of the municipalities involved nor shall such annexation bring about any merger or consolidation of school districts nor change in any way the rights liabilities or territorial limits thereof

Section 8 In case of annexation all salaried public officials of territory annexed who have therefore been elected for a definite term shall continue to receive during the term for which they were elected the same salaries as they would have received except for such annexation and it shall be the duty of the mayor of such city to assign to such public officials the performance of such suitable services and duties as will be in the public interest of the city and particularly of the annexed portion thereof In cases of non-elective employes of such annexed borough or township they shall so far as possible be employed at corresponding duties by the city in accordance with rules and regulations to be established by city ordinance Tax collectors holding office at the date of annexation shall continue to perform the duties and receive the emoluments of office for the full term for which they were elected but upon the expiration of such term the office shall be abolished within such territory and the duties thereof shall be merged with that of the collector of taxes of such city of the second class A

Section 9 It shall be the duty of the city council of such city to plan for the gradual extension to the annexed territory as financial conditions will warrant of any improved or increased public services theretofore enjoyed by the residents of the said city, and in the meantime to maintain public services in the annexed territory to an extent at least equal to those enjoyed therein prior to annexation

Section 10 All acts or parts of acts inconsistent herewith are hereby repealed

Section 11 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 158, as follows:

An Act to amend section one thousand two hundred six of and to add section one thousand two hundred six and one-tenth to the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election and imposing additional duties upon the counsels for the county boards of elections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred six of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealng certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 1206 Duties of Common Pleas Court on Days of Primaries and Elections The court of common pleas of each county of the Commonwealth or a judge or judges thereof shall be in continuous session at the courthouse of said county or in judicial districts composed of more than one county at the courthouse of the county in which such judge or judges reside on the day of each primary and election from 7 o'clock A M until 10 o'clock P M and so long thereafter as it may appear that the process of said court will be necessary to secure a free fair and correct computation and canvass of the votes cast at said election In judicial districts having but one judge of the court of common pleas such judge shall not be required to be in session as aforesaid between the hours of 12 o'clock noon and 2 o'clock P M nor between the hours of 5:30 o'clock P M and 7 o'clock P M During such period said court shall act as a committing magistrate for any violation of the election laws shall settle summarily controversies that may arise with respect to the conduct of the election [shall if it appears necessary instruct election officers overseers watchers and electors as to their rights and duties in election matters] shall issue process if necessary to enforce and secure compliance with the election laws and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act

Section 2 Article three of said act is hereby amended by adding thereto after section one thousand two hundred six a new section to read as follows

Section 1206.1 The counsel for the county board of elections shall be in constant attendance at the office of the board on the day of each primary and election from 7 o'clock A M until 12 o'clock noon and from 2 o'clock P M until 5:30 o'clock P M and from 7 o'clock P M until 10 o'clock P M and shall upon request instruct election officers overseers watchers and electors as to their rights and duties in election matters

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 205, as follows:

An Act to carry into effect section one of article fifteen of the Constitution giving cities other than cities of the first and second classes the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

ADOPTION OF CITY CHARTERS

Section 1 Cities Empowered to Adopt Charters Any city other than a city of the first or second class may frame and adopt a charter for its own government in the following manner

Section 2 Initiation of Proceeding to Adopt Charter The city council or other legislative authority of said city by a two-thirds vote of its members may or upon petition signed by qualified electors equal in number to at least twenty per centum of the total number of electors registered at the preceding general or muncipal election shall forthwith provide by ordinance for the submission to the qualified electors of the city of the question "Shall a commission be chosen to frame a charter for the city of ....." but in no case shall more than twenty-five thousand signatures be required on any such petition

Such ordinance shall require that the question be submitted to the qualified electors at the next general or municipal election occurring at least sixty days after the enactment of the ordinance

A copy of said ordinance certified by the secretary or clerk of the legislative authority of the city shall be filed with the county commissioners and with the Secretary of the Commonwealth

Section 3 Nominations of Candidates for Commission At the same election a charter commission shall be elected Candidates for the commission shall be nominated by nomination papers filed with the county commissioners at least twenty-eight days before the election The nomination papers of each candidate shall set forth his name profession business or occupation if any and his place of residence with street and number if and shall be signed by qualified electors equal in number to not less than two per centum of the total number of qualified electors of the city as shown by the last preceding personal registration of the electors of the city but in no case shall less than one hundred nor more than one thousand signatures be required for the nomination of any one candidate Each elector signing a nomination paper shall add to his signature his occupation and residence giving street and number if any and shall also add the date of signing No elector shall sign nomination papers for more than ten candidates Nomination may be on one or more sheets but each sheet shall have appended to it the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth (a) that the affiant is a qualified elector of the city (b) his residence with street and number if any (c) that the signers signed with full knowledge of the contents of the nomination paper (d) that their respective residences are correctly stated therein (e) that they all reside in the city (f) that each signed on the date set opposite his name and (g) that to the best of the affiant's knowledge and belief the signers are qualified electors of the city Blank forms of nomination papers shall be prepared by the secretary or clerk of the city council or other legislative authority of the city in form prescribed by the Secretary of the Commonwealth and copies of such nomination papers shall be furnished by him to candidates upon application

Section 4 Proceedings to Set Aside Nomination Papers Application to set aside any nomination paper may be made by petition filed in the court of common pleas of the county within five days after the last day for filing of

nomination papers with the couny commissioners and such petitions shall specifically set forth the matters objected to Upon the presentation of any such petition the court shall make an order fixing a time for hearing which shall be not later than ten days after the last day of filing nomination papers with the county commissioners The court shall also specify the time and the manner of notice that shall be given to the candidate named in the nomination paper sought to be set aside

No nomination paper shall be set aside except for

(a) Material error or defects apparent upon the face thereof or on the face of the appended or accompanying affidavit or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of sufficient number of genuine signatures of persons qualified with respect to age residence and citizenship to be electors

If the matters objected to are such as are specified in subdivision (a) of this section the court upon hearing the case may in its discretion permit amendments within such time and upon such terms as to the payment of costs as the court may specify

In case the petition to set aside a nomination paper is dismissed the petitioner shall pay the whole of the costs of the proceedings including all witness fees

Section 5 Form of Question Arrangement of Names of Candidates The county commissioners shall cause the question hereinbefore provided for and the names of the candidates for the charter commission to be printed upon the ballots or ballot labels to be used at the election in the form and manner provided by the laws governing general and municipal elections The names of the candidates shall be printed on the ballots or ballot labels without any party designation The petition of the names of the candidates upon the ballots or ballot labels shall be determined by the drawing of lots at a time and place fixed by the county commissioners

Section 6 Number of Candidates to be Voted for Membership of Commission Tie Votes Each qualified elector shall be entitled to vote for ten candidates only and the fifteen candidates receiving the highest respective vote shall be declared elected and shall constitute the charter commission In case of a tie vote between two or more candidates the person to be entitled to membership on the commission shall be selected by the casting of lots before the prothonotary of the county at a time and place to be fixed by him

Section 7 Vacancies Vacancies in the membership of the commission caused by death resignation removal from the city or otherwise shall be filled by the remaining members of the commission

Section 8 Effect of Negative and Majority Votes Organization of Commission If a majority of the qualified electors voting on the question "Shall a commission be chosen to frame a charter for the city of ....." shall vote in the negative then no further proceedings shall be had and all proceedings therefore had shall be of no effect If a majority of the qualified electors so voting shall vote in the affirmative then the mayor or other chief executive of the city shall fix a time and place and call a meeting of the members of the charter commission within thirty days after said election and at such meeting the commission shall organize and proceed to frame a charter for the government of such city No member of the commission shall receive any compensation for his or her services on said commission All meetings of the commission shall be open to the public except when the commission may desire an executive session

Section 9 Framing of Proposed Charter And Ballot Questions Signing Filing And Distribution of Official Draft Separate And Alternative Provisions The charter commission thereupon shall proceed to frame a charter for the government of the city for submission as one proposal or as one main proposal and separate proposals for several or alternative provisions

The commission shall prepare an official draft setting forth the text of the proposal or proposals submitted by it for vote of the qualified electors together with the form of the question or questions to be printed on the ballot or bollots labels The commission shall endeavor to frame each separate proposal and ballot question so as to avoid any conflicts among provisions which may be adopted by vote of the qualified electors and so as to show on the ballots or ballot labels when a proposition must fail with another proposition Should two or more propositions adopted by vote of the qualified electors be found to conflict the proposition receiving the largest number of votes shall control as to all matters in conflict

The official draft shall be signed by at least a majority of the members of the commission Not later than nine months after the election of the commission the commission shall file this draft with the secretary or clerk of the city council or other legislative authority of the city and he shall cause it to be recorded at length in the minutes and also transmit a correct copy of the question or questions to be placed on the ballots or ballot tables to the county commissioners or other authority charged with the preparation of the ballots or voting machines upon which the questions are to be placed at least thirty days before the election at which the questions are to be submitted

The commission shall cause the official draft of its proposal and ballot questions to be printed in pamphlet form and in such number as the commission shall determine Said pamphlets shall be deposited with the secretary or clerk of the city council or other legislative authority of the city at least seventy days before the election hereinafter provided for and shall by him be distributed to qualified electors of the city upon application The commission shall make such further provisions as it may deem necessary for giving to the qualified electors of the city information concerning its proposals

Section 10 Submission of Proposed Charter The charter so framed shall be submitted for approval to the qualified electors of the city at the general or municipal election next succeeding the one at which the commission was elected

Section 11 Effect of Charter On Existing Laws Such proposal or proposals as are approved by a majority of the qualified electors voting thereon subject to the exceptions provided herein shall become the organic law of the city at such time as may be fixed therein and all courts shall take judicial notice thereof So far as the same is consistent with the grant of powers and the limitations restrictions and regulations hereinafter prescribed it shall supersede any existing charter and all acts or parts of acts affecting the organization government and powers of such city which are in conflict therewith All existing acts or parts of acts and ordinances affecting the organization government and powers of the city not in conflict with the organic law so adopted shall remain in full force No contract existing at the time of the adoption of a charter by a city under the provisions of this act shall be affected thereby by such contract shall have the same force and effect and be of the same validity as if such charter had not been adopted

Section 12 Recording And Filing of Charter Printing In Pamphlet Laws The secretary or clerk of the city council or other legislative authority of the city shall forthwith cause the said charter as approved by the qualified electors to be recorded in the ordinance book of the city and in the office of the recorder of deeds of the proper county or counties in a book to be provided and kept for that purpose He shall also file a certified copy thereof in the office of the Secretary of the Commonwealth and the text thereof shall be published as an appendix to the pamphlet laws subsequently published

Section 13 Conduct of Elections Returns Certificate of Election All elections provided for in this act shall be conducted by the election officers for such city in accordance with the laws governing general and municipal elections The election officers shall count the votes cast and make return thereof to the prothonotary of the county The result of any such election shall be computed in the same manner and by the same return board as is provided by law for the computation of other returns at any such election Certificates of the result of any such election shall be filed by the prothonotary with the city council or other legislative authority of the city and with the Secretary of the Commonwealth and certificates of election shall be

given by the prothonotary to the candidates elected to any charted commission

Section 14 Notice of Elections At least thirty days' notice of each election herein provided for shall be given by proclamation of the mayor or other chief executive of the city setting forth fully therein the matter or matters to be voted upon at such election A copy of such proclamation shall be posted at each polling place of the city and shall be published in each daily newspaper of the city once a week for four successive weeks prior to the election

Section 15 Expenses Paid By City The expenses of the charter commission including the cost of publishing and distributing the commission's proposal or proposals and all other expenses incurred in connection with any proceedings hereinbefore provided for when not otherwise provided for by law shall be paid from the city treasury and the city council or other appropriating authority of the city shall provide therefor

ARTICLE II

NEW CHARTERS AMENDMENTS

Section 20 Initiation Proceedings Any charter adopted under the provisions of this act may be amended or replaced by a new charter through the medium of a commission in the same manner as is hereinbefore provided for the adoption of a charter Amendments to any charter adopted under the provisions of this act may also be proposed by a two-thirds vote of the city council or other legislative authority of the city or by a petition filed with the city council or other legislative authority of the city setting forth the proposed amendment or amendments and signed by qualified electors equal in number to not less than twenty per centum of the total number of qualified electors registered in the city at the preceding general or municipal election but in no case shall more than twenty-five thousand signatures be required

Section 21 Qualified Electors To Vote On Amendments All amendments proposed by the council or other legislative authority of the city or by petition of qualified electors shall be submitted to the qualified electors of the city for adoption at the next general or municipal election occurring at least ninety days after such proposal by the city council or other legislative authority or the filing of a petition by qualified electors

Section 22 Question To Be Submitted To Qualified Electors Whenever it is proposed to create a commission for the purpose of drafting a new charter or amendments to an existing charter adopted under the provisions of this act the question to be submitted to the qualified electors shall be "Shall a commission be chosen to frame (a new charter for) (amendments to the charter of) the city of ....."

Whenever amendments are proposed by the city council or other legislative authority of the city or by petition of qualified electors the question to be submitted to the qualified electors of the city shall be framed by the city council or other legislative authority

Ballot questions must be so framed that a qualified elector may vote for or against any amendment without voting for or against all amendments submitted

Section 23 Elections On New Charters And Amendments Publication Except as in this article otherwise provided all proceedings for the holding of elections to vote on the adoption of a new charter or amendments to an existing charter shall be as hereinbefore provided for elections on the question of the adoption of a charter Amendments proposed by the city council or other legislative authority of the city or by petition of qualified electors shall be published and distributed in the manner provided for the publication and distribution of the proposal or proposals of the charter commission

Section 24 Limitations On The Adoption Of New Charter And Amendments No question for the election of a commission to frame a new charter or to frame amendments to a charter adopted under the provisions of this act shall be submitted to the qualified electors oftener than once in every four years Amendments proposed by the city council or other legislative authority of the city or by petition of qualified electors may be submitted at any general or municipal election

Section 25 Effect Of New Charters And Amendments All new charters or amendments to existing charters when duly adopted filed and recorded as hereinbefore provided in the case of the adoption of a charter shall become the organic law or part thereof of the city and shall take effect at the time specified therein

ARTICLE III

GENERAL GRANT OF POWERS LIMITATIONS

Section 30 General Grant Of Power And Authority Subject to the limitations hereinafter prescribed each city taking advantage of this act and framing and adopting or amending its own charter thereunder shall have and may exercise all powers and authority of local self government and shall have complete powers of legislation and administration in municipal affairs The charter of any city adopted in accordance with this act may provide for any form or system of municipal government and for the exercise of any and all powers thereof not inconsistent with the Constitution of the United States or of this Commonwealth to the full extent that the General Assembly may legislate in reference thereto as to cities or cities of any class and with like effect and the city may enact ordinances rules and regulations necessary and proper for carrying into execution the foregoing powers and all other power vested in the city by the charter it adopts or by this or any other law Ordinances rules and regulations adopted under the authority of this act or under the provisions of the charters adopted hereunder shall be enforceable by the imposition of fines forfeitures and penalties not exceeding three hundred dollars ($300) and by imprisonment for a period not exceeding ninety days

Section 31 Limitations Nothing contained in the foregoing grant of powers and authority shall authorize any city to adopt provisions in any charter contrary to any provisions of law which are

Applicable to a class or classes of cities on the following subjects

(a) Limiting rates and fixing subjects of taxation

(b) Providing for the assessment of real or personal property and persons for taxation purposes

(c) Providing for the filing and collection of municipal and tax claims or liens and for the sale of real or personal property in satisfaction thereof

(d) Providing the procedure for the condemnation of property for public purposes

(e) Providing for the assessment of damages and benefits for property taken injured or destroyed

(f) Providing methods for the incurring or increasing of indebtedness

(g) Providing for the annexation or exclusion or detachment of territory

(h) Regulating public schools or

(i) Providing for the personal registration of electors

2 Applicable in every part of the Commonwealth or

3 Applicable to all the cities of the Commonwealth

But any such charter may prescribe the maner in which elective city officers may be nominated and elected nor

Shall any city exercise any powers or authority beyond the city limits except such as are conferred by act of the General Assembly

Section 32 Subsequent Legislation No act of the General Assembly applicable to a class or classes of cities which is enacted after the adoption of a charter by any city under the provisions of this act shall be held to apply to such city unless expressly so provided therein or unless it relates to one of the subjects mentioned in sub-section one of section thirty-one of this act

ARTICLE IV

GENERAL PROVISIONS

Section 40 Validating Of Charter Proceedings No charter or any amendment to an existing charter when adopted by a majority vote of the qualified electors of any city voting at any general or municipal election shall be declared invalid or be set aside on account of any defect error or omission in the proceedings for the adoption of any such charter or amendment and all such proceedings after such adoption shall be and are hereby validated

Section 41 Construction Of Act The provisions of this act are declared to be severable and if any of its provisions are declared unconstitutional such decision shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 42 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 235 as follows:

An Act to repeal the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicles dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providing for appeals to the courts from decisions of the commission imposing penalties and making appropriations" and abolishing the motor vehicle dealers' commission and terminating the terms of its members

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties regulating the sale trade-in allowance appraisels and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisel value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicles appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providng for appeals to the courts from decisions of the commission imposing penalties and making appropriation" is hereby repealed

Secton 2 The Motor Vehicle Dealers' Commission created by said act is hereby abolished and the terms of all its members are hereby terminated upon the effective date of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 352 as follows:

An Act to amend section one of the act approved the twenty-fourth day of March one thousand nine hundred and five (Pamphlet Laws 50) entitled "An act to reorganize the Board of Trustees of The Pennsylvania State College" making the Secretary of Mines an ex-officio member of the Board of Trustees of the Pennsylvania State College and providing other changes in the membership of said board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-fourth day of March one thousand nine hundred and five (Pamphlet Laws 50) entitled "An act to reorganize the Board of Trustees of The Pennsylvania State College" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the present elective members of the Board of Trustees of The Pennsylvania State College the said Board shall consist of the following members to wit Three members to be elected each year for a term of three years each by the alumni of said college two members to be appointed each year for a term of three years each by the Governor of the Commonwealth and confirmed by the Senate and the following members to serve ex-officio during their respective terms of office The Governor of the Commonwealth the President of the College the State Superintendent of Public Instruction [and] the Secretary of Agriculture and the Secretary of Mines

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 336, as follows:

An Act authorizing counties to convey or lease property needed or convenient as a site for a county court house to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any county shall have power and authority to grant assign and convey to the General State Authority with or without consideration any lands easements or rights in lands together with any improvements buildings or structures therein or thereon now owned by such county or hereafter acquired by it needed or convenient as a site for a county court house or to lease to the Authority for a term not exceeding ninety-nine (99) years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands together with any improvements structures or buildings therein or thereon

Section 2 Any county shall have power and authority in the manner provided by law to acquire title in the name of the county to any lands or interests in lands which may be required to carry out the purposes of this act

Setcion 3 Any county shall have power and authority to enter into contracts with the General State Authority to lease as lessee from the Authority any county court house or any improvement thereto and the furnishings and equipment therof constructed by the Authority for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completition of such county court house or improvements and the furnishings and equipment thereof the county shall have power and authority to lease the same as lessee for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 337, as follows:

An Act to further amend section four of and to add section 9.3 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therfor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquistion of property from counties and the leasing of projects by the Authority to counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor grantnig the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by section one of the act approved the eighth day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 23) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State instiutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the public schools county court houses State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and dams and improvements to river embankments (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district or any county any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district or county for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however When projects are to be constructed

improved maintained repaired or operated for the use of any department of the Commonwealth as hereinbefore listed in this section no plans or specifications therefor shall be presnted for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project the Department of Property and Supplies the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects so that the project will conform to standards established by these departments

Provided further That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties school districts or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties school districts or political subdivisions nor shall the Commonwealth or any city county school district or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 Said act is hereby amended by adding thereto section 9.3 to read as follows

Section 9.3 Contracts to Lease and Leases by Counties from Authority Any county shall have power and authority to enter into contracts with the Authority to lease as lessee from he Authority any county court house and the furnishings and equipment thereof constructed or improved by the Authority for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of said court house and the furnishings and equipment thereof the county shall have power and authority to lease as lessee any court house and the furnishings and equipment thereof completed by the Authority for a term not exceding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 419, as follows:

An Act to amend Section 202 of and add a new section 425A to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administratve departments boards and commssions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much applies to the Department of Public Instruction of section two hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and dutes of the Governor and other executive and admnistrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by section one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-eight (Pamphlet Laws 92) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Public Instruction

State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board

Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
State Civil Service Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 A new section numbered 425A is hereby added to the said Act to read as follows

"Section 425A State Civil Service Commission The State Civil Service Commission shall consist of three members of the original members one shall be appointed for a term of two years one for a term of four years and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified Thereafter each appointment shall be for a term of six years or until a successor is appointed and qualified The members of the Commission shall have qualifications for appointment and shall be removable from office as provided by law The Governor shall designate one of the members as chairman

Each member of the Commission shall be paid at the rate of twenty-five dollars per day for time actually devoted to the business of the Commission but no member shall be paid more than one thousand five hundred dollars in any one year except during the first year after the effective date of this Act when such payments shall not exceed two thousand dollars

Section 3 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The Rule requiring bills to be considered in Committee of hte Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 420.

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties cities boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and repealing certain acts and parts thereof

CONTENTS

Article I General Provisions
Section 1 Short Title
Section 2 Purpose
Section 3 Definition of Terms
Article II Civil Service Commission and Administrator and their Powers
Section 201 Qualification and Removal of Commissioners
Section 202 Meetings of Commission
Section 203 Duties of Commission
Section 204 Legal Counsel
Section 205 Qualifications Appointment Compensation and Removal of Administrator
Section 206 Powers and Duties of Administrator
Section 207 Cooperation by Officers and Employees of the Commonwealth.
Section 208 Public Hearings
Section 209 Oaths Testimony and Production of Papers
Section 210 Records Open to the Public
Section 211 Service to Political Subdivisions Cooperation with Other Civil Service Agencies
Article III Classification of Positions in the Classified Service
Section 301 Establishment of Classes
Section 302 Allocation of Positions to Classes
Section 303 Additions and Amendments to Classes
Section 304 Reporting and Classification of New Positions
Section 305 Use of Classification Titles
Article IV Compensation of Employes in the Classified Service
Section 401 Compensation Schedules
Section 402 Rates of Pay
Section 403 Changes in Compensation
Article V Selection of Employes for Entrance to or Promotion in the Classified Service
Section 501 Examinations Requisite for Appointment and Promotion
Section 502 Nature of Examinations
Section 503 Holding Examinations and Rating Competitors
Section 504 Public Notice of Examinations
Section 505 Ratings of Competitors
Section 506 Establishment of Employment Lists
Section 507 Duration Combination and Cancellation of Employment Lists
Section 508 Establishment of Reemployment Lists
Article VI Appointment and Promotion of Employes in Classified Service
Section 601 Certification
Section 602 Selection and Appointment of Eligibles
Section 603 Temporary Appointments to Extra Positions
Section 604 Emergency Appointments
Section 605 Probationary Period
Section 606 Status of Employes Holding Positions When Act Takes Effect
Article VII The Regulation of Employes in the Classified Service
Section 701 Training Programs
Section 702 Health Programs
Section 703 Holidays Hours of Work Attendance and Leaves
Section 704 Service Standards and Ratings
Section 705 Transfers
Section 706 Demotions
Articles VIII Separation of Employes from the Classified Service
Section 801 Temporary and Permanent Separations
Section 802 Lay-Off
Section 803 Suspension
Section 804 Dismissal During Probationary Period
Section 805 Retirement
Section 806 Resignations
Section 807 Demotion and Removal
Article IX Prohibitions Penalties and Enforcement
Section 901 Commission's Certificate of Legality of Employment and liability of Appointing and Disbursing Officers
Section 902 False Statements made under Oath Constitute Perjury
Section 903 Certain Acts Made Misdemeanors
Section 904 Prohibition of Political Activity
Section 905 Prohibition of Assessments
Section 906 Removal and Disqualification of Officers and Employes
Article X Schedule
Section 1001 Transfer of Records
Section 1002 Employment of Board Abolished
Section 1003 Effective Date of Act
Section 1004 Repealer

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows That a system of personnel administration is hereby established for the regulation and improvement of the civil service of certain departments and agencies of the Commonwealth

ARTICLE I

General Provisions

Section 1 Short Title This act shall be known and cited as the "Civil Service Act"

Section 2 Purpose Greater efficiency and economy in the administration of the government of this Commonwealth is the primary purpose of this Act The establish-

ment of conditions of service which will attract to the service of the Commonwealth qualified persons of character and ability and their appointment and promotion on the basis of merit and fitness are means to this end

Section 3 Definition of Terms In this Act unless the context otherwise clearly requires

(a) "Commission" means State Civil Service Commission

(b) "Commissioner" means member of State Civil Service Commission

(c) "Administrator" means the Civil Service Administrator

(d) "Service of the Commonwealth" includes all offices and positions now existing or hereafter created in the Department of Public Assistance State Board of Public Assistance county boards of assistance all offices and positions in the Department of Labor and Industry charged with the administration of the Unemployment Compensation Law all offices and positions under the control of the Pennsylvania Liquor Control Board all offices and positions under the control of the State Civil Service Commission and the Civil Service Administrator and any other offices and positions of any department or agency to which this Act may hereafter be extended

(e) "Unclassified service" means all positions now existing or hereafter created in the service of the Commonwealth which are held by

(1) Heads of departments of the Commonwealth and the first deputy heads thereof

(2) Members of boards and commissions

(3) One secretary or one confidential clerk to each appointing authority except the Commission and the Administrator

(4) Any person temporarily appointed or designated to render special services or to make or conduct a special inquiry investigation or examination where such appointment or designation is certified by the Commission to be for employment which for reasons set forth in the minutes of the Commission should not be performed by persons in the classified service

(f) "Classified service" means all positions now existing or hereafter created in the service of the Commonwealth not specifically included in the unclassified service

(g) "Competitive division" means all positions in the classified service other than those in the labor division

(h) "Appointing authority" means the officer board commission person or group of persons having power by law to make appointments in the service of the Commonwealth

(i) "Position" means any office or place of employment in the service of the Commonwealth such that the duties and responsibilities thereof are exercised by one person

(j) "Class" or "class of positions" means a group of positions established under this Act sufficiently similar in respect to the duties and responsibilities thereof that the same descriptive title may be used for each of such positions the same requirements as to education experience knowledge and ability are demanded of incumbents the same tests of fitness may be used to choose qualified appointees and the same schedule of compensation may be made to apply with fairness under like working conditions

(k) "Permanent position" means a position in the service of the Commonwealth which is likely to be needed continuously for a period of six months or more

(l) "Extra position" means a position in the classified service which arises out of temporary pressure of extra work and will continue for a period of less than six months

(m) "Eligible" means a person whose name is on a reemployment list or on an employment list for a given class

(n) "Employe" means a person legally occupying a position in the service of the Commonwealth

(o) "Regular employe" means an employe who has been appointed to a position in the classified service in accordance with this Act after completing his probationary period.

(p) "Employment list" means a list of persons arranged in the order of excellence and found qualified for appointment to positions of a given class in the classified service through an examination held pursuant to this Act

(q) "Reemployment list" means a list of persons previously holding positions in a given class in the classified service and entitled under this Act to reemployment ahead of all other persons when vacancies occur in the class.

(r) "Demotion" means a change in status to a position in a class carrying a lower maximum salary.

(s) "Lay-off" means the termination of employment because of lack of funds or of work.

(t) "Probationary period" means a preliminary period of employment prior to permanent appointment of an employe for the purpose of determining his fitness for permanent employment.

(u) "Promotion" means a change in status to a position in a class carrying a higher maximum salary.

(v) "Removal" means the permanent separation from the classified service of an employe who has been permanently appointed

(w) "Temporary appointment" means an appointment to a position for a period not to exceed six months

ARTICLE II

Civil Service Commission and Administrator and Their Powers

Section 201 Qualification and Removal of Commissioners Any person appointed as a member of the State Civil Service Commission shall be a citizen of the Commonwealth who is in sympathy with modern personnel methods and the application of merit principles to public employment No person who holds any public office or who within one year preceding his appointment has been an officer of a political party or has been a candidate for public office shall be eligible to serve as a commissioner

The Governor may remove any member of the Commission but only for incompetence inefficiency neglect of duty malfeasance or misfeasance in office by giving such member a statement in writing of the charges against him and affording him after notice of not less then ten days an opportunity of making written answer and upon request being publicly heard in person and by counsel A copy of the charges and answer of the Governor's findings and a transcript of the record shall be filed with the Secretary of the Commission

Section 202 Meetings of Commission The Commission upon the call of the Chairman the Governor or any member shall hold meetings at least once each month except that they may be omitted during two summer months The chairman of the Commission shall cause reasonable notice of the time and place of each meeting to be given to each member of the Commission and to the Administrator Two members of the Commission shall constitute a quorum at any meeting

Section 203 Duties of Commission It shall be the duty of members of the Commission as a body

(1) After public hearing as hereinafter set forth to establish adopt and amend rules either on its own motion or upon recommendation of the Administrator for making effective the provisions of this Act Such rules shall have the effect of law one week after the adoption thereof

(2) After public hearings as hereinafter set forth to approve modify or reject such classification plans for the classified service of the Commonwealth as the Administrator may present

(3) After public hearing as hereinafter set forth to approve modify or reject for report to the Governor such compensation schedules for the classified service of the Commonwealth as the Administrator may present

(4) Upon request as herein provided in cases of demotion and removal to conduct investigations hold public hearings and record its findings and conclusions

(5) To make investigations on its own motion and in its discretion on petition of a citizen concerning any matter touching the enforcement and effect of the provisions of this Act and to require observance of the provisions of this Act and the rules and regulations thereunder

(6) To make such investigations as may be requested by the Governor or the Legislature and to report thereon

Section 204 Legal Counsel The Attorney-General shall be legal counsel for the Commission Whenever the Attorney-General acts for the appointing authority in a

particular proceeding the Commission may appoint special counsel The total compensation paid to all such special counsel for any fiscal year shall not exceed two thousand five hundred dollars

Section 205 Qualifications Appointment Compensation and Removal of Administrator

(a) The Administrator shall be in the classified service He shall be a person who has had experience in the field of personnel administration and is familiar with its principles and methods and one who is in sympathy with the application of merit principles and scientific methods to public employment He shall receive an annual salary of ten thousand dollars and shall hold no other position of profit

(b) Within thirty days after the appointment of the Commission and thereafter within thirty days after a vacancy occurs in the office of the Administrator the Commission shall appoint a special examining committee of three members to conduct a test for the position of Administrator One member of such committee shall be an administrative officer of a civil service or personnel agency administering a merit system in the federal government or a state city or county one member shall be the officer chiefly responsible for personnel administration in a business or industrial establishment known to have an effective and well-rounded personnel program one member shall be a member of the faculty of a college or university who has knowledge of personnel administration

(c) Within ninety days after it is appointed the examining committee shall hold a competitive examination in accordance with the provisions of this Act and on the basis of that examination shall establish an employment list of persons found eligible for appointment as Administrator The examining committee shall certify to the Commission the names of the three highest ranking eligibles and the Commission shall appoint one of them as the Administrator The special examining committee shall have the same power and duties with respect to the conduct of the examination and establishment of the employment list that are vested in or imposed upon the Administrator under the provisions of this Act with respect to other positions in the classified service

(d) The Administrator shall not be removed or demoted except for incompetence inefficiency neglect of duty malfeasance or misfeasance in office The Commission shall furnish to the Administrator written notice of his intended removal or demotion setting forth the reasons for such action and shall file a copy of such written notice with the Governor The Administrator shall have ten days from the receipt of such written notice to give the Commission such written answer as he may desire and shall file a copy of such written answer if any with the Governor Such notice and answer shall be made a part of the public records of the Commission and of the Governor Within thirty days after receipt of such notice of removal or demotion and answer thereto the Governor shall make an investigation and hold a public hearing for the purpose of fairly determining whether the Administrator should continue in his position or should be removed or demoted therefrom Within twenty days after the completion of such investigation and hearing or sooner if practicable the Governor shall make his findings and conclusions which shall be forthwith certified to and enforced by the Commission The Governor's findings and conclusions shall constitute a part of the public records of the Commission and of the Governor

Section 206 Powers and Duties of Administrator The Administrator shall be the chief executive officer of the Commission and except as otherwise provided in this Act shall direct and supervise all the administrative work He shall have power and it shall be his duty

(1) To appoint from employment lists established under this Act such examiners investigators clerks and other assistants as may be necessary to carry out this Act and to supervise and direct this work

(2) To attend the meetings of the Commission act as its secretary and record its official actions

(3) To prepare and recommend to the Commission rules and amendments thereto

(4) To establish and maintain a record of all employes in the service of the Commonwealth showing for each such person the date appointed or employed the title of the position held the rate of compensation and every change in his status including increases and decreases in pay changes in title transfers sick and annual leaves with or without pay and such other data as he may consider desirable and pertinent

(5) To administer and make effective the provisions of this Act and of the Rules made thereunder including without limitation those relating to the preparation and administration of classification and compensation plans the preparation and conduct of examinations the preparation of employment lists the certification of persons qualified for employment the transfer promotion suspension demotion removal lay-off leave of absence and resignation of employes the rating of employes' services the checking and certification of payrolls before payment the conduct of programs of employe training and working conditions affecting the health and safety of employes

(6) To investigate the effect of the administration of this Act and of the rules made thereunder and to report his findings and recommendations to the Commission

(7) To appoint one employe to be his deputy In case of the absence of the Administrator or his inability from any cause to discharge the powers and duties of his office such powers and duties shall devolve upon his deputy

(8) To make a biennial report in writing not later than September first of each even numbered year to the Commission concerning the administrative work of the Commission including pertinent information and recommendations

(9) To do any act or acts required by this Act or the Rules made thereunder or which may be necessary to carry into effect their provisions and purpose

Section 207 Cooperation By Officers and Employes of the Commonwealth All officers and employes in the service of the Commonwealth shall during the usual business hours grant the Commission and its employes or authorized agents free access to the premises and records under their control and shall furnish the Commission such facilities assistance and information as it may require in carrying on its functions

Section 208 Public Hearings Before adopting or amending its rules or approving modifying or rejecting classification and compensation plans the Commission shall hold a public hearing at which any citizen shall have the right to appear and be heard Public notice of such public hearing shall be given at least seven days in advance of the hearing by posting on a bulletin board maintained in or near the Commission's principal office in a place accessible to the public during business hours a statement of the time and place of the hearing and of the matter to be considered The Commission may give further public notice of such hearings as it deems advisable

Section 209 Oaths Testimony and Production of Papers Each member of the Commission the Administrator and any other employe or agent authorized by the Commission shall have the power to administer oaths in matters pertaining to the work of the Commission The Commission shall have the power to secure by subpoena the attendance and testimony of witnesses and the production of books and papers Any judge of a court record either in term time or in vacation shall upon proper application of the Commission compel the attendance of witnesses the production of books and papers and the giving of testimony before the Commission by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before such court

Section 210 Records Open to the Public The minutes of the Commission shall be preserved as permanent records The correspondence reemployment and employment lists and other papers and records of the Commission shall be preserved for seven years Subject to reasonable regulation all records of the Commission shall be open to public inspection during ordinary business hours except as herein specifically otherwise provided The Administrator shall take all due precautions to prevent the securing in advance by any unauthorized person of questions or other material to be used in any test unless such question or materials

are available for all competitors He shall prevent the indentification by any examiner or other persons where indentity is concealed of papers or work of any competitor in a test before the papers or work of all competitors in that test have been rated Statements of former employers of competitors in tests may by direction of the Commission or the Administrator be considered confidential and not open to examination

Section 211 Service to Political Subdivisions Cooperation with other civil service agencies The services and facilities of the Commission and its staff shall be available to political subdivisions of this Commonwealth upon such terms and conditions as may be prescribed by the rules of the Commission which rules shall provide for the payment to and reimbursement of the Commonwealth for the reasonable cost of such services and facilities

The Commission shall have power from time to time to enter into agreements with other public personnel agencies in this or any other state for the purpose of using and exchanging information and services The Commission shall have power to become a member of or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration.

ARTICLE III

CLASSIFICATION OF POSITIONS IN THE CLASSIFIED SERVICE

Section 301 Establishment of Classes The administrator shall within a reasonable time after taking office and after consultation with appointing authorities and principal supervising officials classify all of the positions in the classified service according to the duties and responsibilities of each position The plan of classification shall designate appropriate titles for each class of position and shall recommend to the Commission the qualications to be required of persons assigned or appointed to positions in each class The completed classification plan shall be so arranged that all positions which are substantially similar with respect to authority responsibility and character of work are included within the same class that the same tests of competency may be applied to persons to be appointed to all positions in a class and that the same schedule of compensation can be made to apply with fairness under like working conditions to all positions in a class The statement which shall be known and described as "The Classification Plan" shall show for each class

(a) The title given to the class

(b) The duties and responsibilities exercised by those holding positions allocated to the class illustrated where necessary by description of typical tasks

(c) The minimum qualifications required for the satisfactory performance of such duties and tasks and the exercising of such responsibilities

(d) As far as practicable the lines of promotion to and from the class

The Administrator shall present such classification plan to the Commission The Commission after adopting such classification plan either as presented or in modified form shall publish the classification plan

Section 302 Allocation of Position to Classes As soon as possible after the adoption of the classification plan the Administrator shall after affording employes a reasonable opportunity to be heard and after consultation with appointing authorities and their principal assistants allocate each position in the classified service to its proper class Each employe shall assume the classification title of his position

Section 303 Additions and Amendments to Classes The Administrator shall from time to time as he deems necessary establish additional classes and allocate thereto new positions created or positions not included in any previously established class and may divide combine alter or abolish existing classes and reallocate positions If any proposed amendment of the classification plan will affect an existing position the employe holding such position shall have a reasonable opportunity to be heard befor final action is taken

Section 304 Reporting and Classification of New Positions Appointing authorities shall promptly report to the Administrator the establishment of new positions in order that they may be classified and allocated No person shall be appointed to any such position until it has been properly classified as herein provided Any change in the duties of an existing position which in the judgment of the Administrator is material shall be interpreted as serving in effect to abolish the position and to create a new position Appointing authorities shall report material changes in the duties of positions to the Administrator

Section 305 Use of Classification Titles Classification titles shall be used in all records and communications of the Commission the appointing authorities the Auditor General the State Treasurer and the Budget Secretary and shall also be used in all estimates submitted to the General Assembly or to the Budget Secretary requesting the appropriation of money to pay for services and in all reports and papers relating to payments for services

ARTICLE IV

COMPENSATION OF EMPLOYES IN THE CLASSIFIED SERVICE

Section 401 Compensation Schedules For each class established under this Act the Administrator shall make a study of the rates paid for similar services elsewhere and of other information pertaining to proper rates of compensation and after consultation with appointing authorities and their principal assistants and approval by the Commission shall report to the Governor for his approval a schedule of compensation for each class Such schedules shall show for each class a minimum salary rate a maximum salary rate and such intermediate rate or rates as the Administrator considers necessary and proper Subject to the approval of the Commission the Administrator may from time to time recommend to the Governor for his approval changes in the schedule of compensation for any class together with the reasons therefor Before approving any recommendation for the change of the schedule of compensation for any class the Commission shall hold a public hearing Pending the adoption of such compensation schedules and the appropriation of funds to make payments for personal services in accordance therewith the compensation of employes in the classified service shall be in accordance with existing law

Section 402 Rates of Pay Following the adoption of the schedule of compensation for any class the rate of compensation for any employe upon appointment to a position in the class shall be at the minimum rate prescribed for the class except that where the appointee is already in the classified service in a position in another class his compensation upon appointment to the new position shall be the same as that received before such new appointment provided that if his existing compensation falls between the minimum and maximum rates in the schedule for the class to which appointed then his compensation shall be at the next higher rate in that schedule

Section 403 Changes in Compensation The rate of compensation of any employe who has not reached the maximum rate for his class may be increased upon the attainment and maintenance of the appropriate service rating as provided elsewhere in this Act In the absence of service ratings advances in compensation within the salary range for any class may be made on the recommendation of the appointing authority supported by such evidence of increased usefulness in the service as may be required by the rules of the Commission Each such increase shall be to the next higher rate for the class except as provided in this section and shall become effective on the first day of the month following its approval by the Governor No employe shall have his compensation increased in the class oftener than once in six months except that upon the request of the appointing authority approved by the Administrator and by the Commission and on the basis of facts demonstrating that the action is in the interest of good administration the Governor may at any time authorize an increase to any rate established for the class to which the position is allocated The Commission in its reports shall publish the facts regarding each case or class of cases in which it approves such request made by appointing authorities to increase the rate of compensa-

tion of any employe more frequently than once in six months or to a rate above the next higher rate for the class In no case however shall the compensation of any employe be increased unless the General Assembly has appropriated funds from which the increase may lawfully be paid nor shall the rate for any employe be increased beyond the maximum for the class

ARTICLE V

SELECTION OF EMPLOYES FOR ENTRANCE TO OR PROMOTION IN THE CLASSIFIED SERVICE

Section 501 Examinations Requisite for Appointment and Promotion Except as otherwise provided in this Act appointments of persons entering the classified service or promoted therein shall be from employment lists established as the result of examinations given by the Administrator to determine the relative merit of candidates Such examinations shall be competitive and open to all persons who may be lawfully appointed to positions within the classes for which the examinations are held Limitations as to age sex health moral character experience education and other qualifications may be specified in the rules of the Commission and in the announcements of the examinations As far as is in the judgment of the Commission consistent with the best interest of the Commonwealth vacancies shall be filled by promotion The Commission upon recommendation of the Administrator may limit competition in promotion examinations to employes in the classified service who have served not less than six months in a class or classes designated in the public notice of the examinations

Section 502 Nature of Examinations The Administrator shall give examinations to establish employment lists The tests in such examinations may be written oral or in the form of a demonstration of skill or any combination of these and shall be of such character as fairly to appraise and determine the merit qualifications fitness and ability of competitors actually to perform the duties of the class of positions to which they seek appointment Such tests may take into consideration elements of character education aptitude capacity for promotion experience knowledge skill personality physical fitness and other pertinent matters No question in any test shall relate to the race religion or political affiliation of the candidate

Section 503 Holding Examinations and Rating Competitors The Administrator shall have charge of the preparation and holding of examinations of the rating of the work of competitors and of the preparation of resulting employment lists He may call on other persons not on the regular staff of the Commission either within or without the service of the Commonwealth for assistance When such persons are in the service of the Commonwealth it shall be deemed a part of their official duty to act as examiners without extra compensation.

Section 504 Public Notice of Examinations The Administrator shall give public notice of all examinations for positions in the classified service of the Commonwealth at least two weeks in advance by posting an appropriate notice on the bulletin board maintained in or near the Commission's principal office Notice may be given also by advertising Such notice shall give the time place and general scope of every examination the weights to be given to each of the tests in the examination the duties pay experience education and other qualifications requisite for all positions in the class for which the examination is to be held and the manner and place in which application forms and detailed pertinent information may be obtained

Section 505 Ratings of Competitors The final earned rating of each person competing in any examination shall be determined by the weighted average of earned ratings in all the tests according to weights for each test established by the Administrator The Administrator shall send notice by mail to all competitors of their final earned ratings and of their relative standing or of their failure to attain a place upon the list

Section 506 Establishment of Employment Lists From the reports of examiners the Administrator shall prepare an employment list or lists containing the names of persons arranged in the order of final earned ratings The list shall include persons who have been given at least such minimum rating as may be fixed in advanced for the whole examination or for any one or more of the tests

Section 507 Duration Combination and cancellation of Employment Lists Employment lists shall continue in force for a period to be fixed by the rules of the Commission Such period may be different for the various classes of positions but shall not be less than six months nor more than one year for any class except that the initial period may be extended for further periods not exceeding two years in the aggregate such extensions shall be upon the recommendation of the Administrator approved by the Commission before the expiration of the period fixed by the rules and entered in the minutes A new employment list for any claass shall be combined with any existing list for that class but such combination shall not prevent the automatic cancellation of any portion of such lists at the end of the period fixed by such rules unless held in force as above provided The Administrator with the approval of the Commission may at any time corcert clerical errors occurring in connection with the preparation of any employment list and revise the list accordingly but no person who has been appointed as the result of certification from such list shall be displaced by such action The Commission shall have the power at any time after giving notice as required in this Act and after a public hearing to cancel the whole or any part of any employment list on account of illegality or fraud in connection therewith

Section 508 Establishment of Reemployment Lists For each class where such action is appropriate the Administrator shall establish and maintain a reemployment list Such list shall consist of the names of persons who have occupied positions in the class and have been separated from the service without fault on their own part or have taken leave of absence and are ready to return to duty when a position is open or have been removed and by direction of the Commission have been given opportunity for reemployment in some unit other than that from which dismissed Except in cases of demotion and removal the Administrator shall have authority to determine whether or not the names of such persons shall be placed on a particular reemployment list The names shall be arranged on the reemployment list for each class in accordance with the rules of the Commission and may be arranged in the order of the average service ratings of the employers for the last six months of service in a position allocated to the class After the name of any person shall have remained on the reemployment list for the period fixed by the Commission it shall be removed therefrom unless the period is extended by action of the Commission taken before the expiration of the period and such extension is entered upon its minutes Such period may be different for the various classes of positions but shall not be less than six months nor more than one year except that the extension may be for not more than one additional year from the end of the first period

ARTICLE VI

APPOINTMENT AND PROMOTION OF EMPLOYES IN THE CLASSIFIED SERVICE

Section 601 Certification Whenever a vacancy is likely to occur or is to be filled in any permanent position in the competitive division of the classified service the appointing authority shall request the Administrator in writing to certify the name of a person qualified for appointment The Administrator shall thereupon certify the names of the three persons willing to accept appointment who are highest on the reemployment list for that class If that reemployment list contains less than three names the Administrator shall certify the name or names of the persons who are on that reemployment list and who are willing to accept appointment If no person on the reemployment list for that class is willing to accept appointment or if there is no reemployment list for the class in which a vacancy is to be filled the Administrator shall certify the names of the three persons willing to accept appointment for highest on the employment list for that class If the employment list contains less than three names and the appointing authority is not willing to choose from

less than three names the Administrator shall promptly conduct an examination to establish an employment list

Section 602 Selection and Appointment of Eligibles Unless it is found to be in the interest of the service of the Commonwealth not to fill a vacant position the appointing authority within a reasonable time fixed by the rules of the Commission shall appoint the person whose name is or one of the persons whose names are certified by the Administrator After a name has been rejected three times by an appointing authority in favor of others on the same reemployment list such name shall not again be certified to that appointing authority unless the appointing authority makes written request for the certification of that name or unless the reemployment list contains less than three names of persons who are willing to accept appointment and have not been rejected three times by that appointing authority in favor of others on the same reemployment list After a name has been rejected three times by an appointing authority in favor of others on the same employment list such name shall not again be certified to that appointing authority except upon written request from the appointing authority Appointing authorities shall promptly report to the Administrator the selection and appointment of eligibles whose names have been certified If an eligible whose name has been certified shall refuse to accept an appointment offered to him such refusal shall be promptly investigated by the Administrator and if it be found that the refusal has been made for improper or insufficient reasons the Administrator shall remove his name from the employment or reemployment list

Section 603 Temporary Appointments to Extra Positions When from pressure of work an extra position in the classified service must be established for a period of less than six months the appointing authority shall request the Administrator in writing to certify the name of a qualified person In such request the appointing authority shall state the cause of the extra work the probable length of employment and unless the position has been classified the duties which the appointee is to perform The Administrator shall thereupon authorize the appointment with or without examination of a qualified person for a period not exceeding ninety days Such temporary appointments shall not be renewed No credit shall be given to anyone in any examination for experience gained during a temporary appointment As far as practicable however temporary appointments to extra positions shall be made following certification from reemployment and employment lists

Section 604 Emergency Appointments Any appointing authority or any subordinate authorized by him may to prevent serious impairment of the public business when an emergency arises and time will not permit securing the authorization from the Administrator for the appointment of a certified eligible appoint any qualified person during the emergency for a period not exceeding ten days The existence of a vacancy of which the appointing authority has had reasonable notice or of employment conditions of which the appointing authority had previous knowledge shall not be considered an emergency Persons thus appointed shall be known as emergency employes Appointing authorities shall forthwith report to the Administrator all emergency appointments and such appointments shall not be renewed No credit shall be given to anyone in any examination for experience gained during an emergency appointment

Section 605 Probationary Period No appointment to a position in the classified service shall be deemed complete until after the expiration of a probationary period The probationary period for each class of position shall be prescribed in the rules of the Commission and shall in no case be less than two months or more than twelve months At such times during the probationary period and in such manner as the Administrator may require the appointing authority shall report to the Administrator his observation of the work of the employe and his judgment as to the willingness and ability of the employe to perform his duties satisfactorily and as to his habits and dependability At any time during his probationary period after the first two months thereof the appointing authority may remove an employe if in the opinion of the appointing authority the probation indicates that such employe is unable or unwilling to perform his duties satisfactorily or that his habits and dependability do not merit his continuance in the service Upon such removal the appointing authority shall forthwith report his action to the Administrator and to the employe so removed No more than three employes shall be removed successively from the same position during their probationary periods without the approval of the Administrator The appointing authority may remove an employe within the first two months of his probationary period only with the approval of the Administrator The Administrator with the approval of the Commission may remove an employe during his probationary period if it is found after the employe has been given notice and an opportunity to be heard that he was appointed as a result of fraud

Ten days prior to the expiration of an employe's probationary period the appointing authority shall notify the Administrator in writing whether the services of the employe have been satisfactory and whether he will continue the employe in his position A copy of such notice shall be given to the employe No employe shall be paid for work performed after the expiration of his probationary period unless prior to the performance of such work the appointing authority has notified the Administrator that the employe will be continued in his position

If any employe is removed from his position during or at the end of his probationary period and the Administrator determines that he is suitable for appointment to another position his name may be restored to the list from which it was certified If any such employe was a regular employe in another position in the classified service immediately prior to his appointment his name shall be placed on the reemployment list for the class of the position in which he was a regular employe

Section 606 STATUS OF EMPLOYES HOLDING POSITIONS WHEN ACT TAKES EFFECT Any employe who holds a position which is in the classified service as herein defined and which was in the competitive class under the law in force immediately preceding the effective date of this Act shall if he has successfully completed his probationary period became a classied service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any such employe who has not completed such probationary period at the time this Act takes effect shall retain his status as a probationary employe until the expiration of that probationary period Every other officer and employe holding a position in such service at the time this Article takes effect shall continue therein until his position is filled from a list established under this Act but in no event longer than six months after this Article takes effect

ARTICLE VII

THE REGULATION OF EMPLOYES IN THE CLASSIFIED SERVICE

Section 701 TRAINING PROGRAMS The Administrator shall devise plans for and corporate with appointing authorities and other supervising officials in the conduct of employe training programs to the end that the quality of service rendered by persons in the classified service may be continually improved

Section 702 HEALTH PROGRAMS The Administrator shall develop in cooperation with appointing authorities and others health safety and recreation programs which will improve the working conditions of employes in the classified service

Section 703 HOLIDAYS HOURS OF WORK ATTENDANCE AND LEAVES The Administrator shall prepare and after approval by the Commission and the Governor shall administer regulations regarding holidays hours of work attendance and annual sick and special leaves of absence with or without pay for employes in the various classes of positions in the classified service

Section 704 SERVICE STANDARDS AND RATINGS In cooperation with appointing authorities the Administrator shall establish and may from time to time amend standards of performance and output for employes in each class of

positions in the classified service or for groups of classes and a system of service ratings based upon such standards In such manner and with such weight as shall be provided in the rules service ratings shall be considered in determining salary increases and decreases within the limits established by law and by the compensation plan as a factor in promotion examinations as a factor in determining the order of lay-off when forces must be reduced because of lack of funds or work and the order in which names are to be placed on reemployment lists and as a means of discovery employes who should be promoted demoted transferred or dismissed In such manner and at such time as the rules may require each appointing authority shall report to the Administrator the service ratings of employes under his jurisdiction or such information as the Administrator may request as a basis for determining such service ratings Any employe shall be given reasonable opportunity to inspect the record showing his service ratings and the service ratings of other employes in the same class

Section 705 TRANSFERS An appointing authority may at any time change a classified employe under his jurisdiction from one position to another in the same class In every such case the appointing authority shall give written notice of his action to the Administrator according to the rules of the Commission Transfer of a classified employe from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made subject to such rules and with the approval of the Administrator and of both appointing authorities concerned Any transfer of an employe from a position in one class to a position in a class for which a higher maximum rate of compensation is prescribed shall be deemed a new appointment and may be accomplished only in the manner hereinbefore provided for the making of appointments No person shall ever be transferred from a position in the unclassified service to a position in the classified service unless he is appointed to such latter position after certication of his name from an employment list in accordance with the provisions of this Act

Section 706 DEMOTIONS An appointing authority demoting an employe in the classified service shall follow the same procedure as provided in this Act for the removal of employes in the classified service A demotion may also be made by an appointing authority with the approval of the Administrator upon the written petition of the employe stating the reasons therefor and supported by such evidence as the Administrator may require to show that the employe is able to perform the duties of the class of position to which he petitions that he be demoted The compensation of an employe demoted shall in no case exceed the maximum rate for the class to which he is demoted

ARTICLE VIII

SEPARATION OF EMPLOYES FROM THE CLASSIFIED SERVICE

Section 801 TEMPORARY AND PERMANENT SEPARATIONS An employe may be temporarily separated from the classified service through lay-off leave of absence or suspension and may be permanently separated through rejection on probation retirement resignation or removal

Section 802 LAY-OFF In case a reduction in force is necessary in the classified service the employes having the lowest service rating in the unit and in the class affected shall be first laid off In the absence of service ratings the order of the lay-off shall be established by the rules of the Commission The appointing authority shall promptly report to the Administrator the names of employes laid off together with the date the lay-off of each is effective and the character of his services and the Administrator shall place the names of such employes on reemployment lists for the appropriate classes in the order provided herein for the preparation of such lists

Section 803 SUSPENSION An appointing authority may for good cause suspend without pay for disciplinary purposes an employe holding a position in the classified service Such suspension shall not exceed in the aggregate thirty working days in one calendar year No such suspension shall be for racial religious or political reasons What shall constitute good cause for suspension may be stated in the rules An appointing authority shall forthwith report to the Administrator in writing every suspension together with the reason therefor and shall send a copy of such report to the suspended employe Such report shall be made a part of the Commission's public records

Section 804 DISMISSAL PROBATIONARY PERIOD The appointing authority may dismiss an employe in the classified service at any time after two months from the date of his appointment and before the expiration of the probationary period The appointing authority shall furnish the Administrator with a statement in writing of the cause of the dismissal The person so dismissed shall be considered permanently separated from his position but the Administrator may if he considers such action appropriate place the name of the person thus dismissed on the employment list of the appropriate class for future certification to other appointing authorities

Section 805 RETIREMENT The Administrator with the approval of the Commission may recommend to the Governor the retirement of any employe in the classified service who in his judgment has become unfitted for the efficient performance of the duties of his position owing to advance age or to physical or mental disability

Section 806 RESIGNATIONS The rules of the Commission shall state what shall constitute resignation in the classified service Absence from duty for three consecutive working days without notice to the appointing authority may be regarded as an abandonment of a position and in effect a resignation No person who has voluntarily resigned from the service shall be reinstated in his position within six months from the effective date of his resignation No resignation of any person in the classified service shall be effective unless accepted by the appointing authority within fifteen days after the actual date of the making thereof No person about to be appointed to any position in the service of the Commonwealth shall in advance of or at the time of such appointment sign or execute a resignation dated or undated No resignation shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation in his handwriting Any person who resigns from the classified service may ask the Commission in writing for a public hearing stating his reasons If on investigation there appears to be good evidence that the employe has been forced to resign against his will and without just cause or that his separation from the service has been involuntary and without just cause the Commission shall grant him at the earliest opportunity a public hearing as hereinafter provided in the case of removal or demotion and shall treat the separation as though it were a removal

Section 807 DEMOTION AND REMOVAL No person in the classified service shall be removed or demoted except for just cause which shall not be his religion race or political affiliation To all persons in the classified service except temporary and emergency employes or probationary employes who served longer than two months written notice of intended removal or demotion setting forth the reasons for such action must be furnished they shall have ten days from the receipt of such written notice to give the removing or demoting officer such written answer as the person about to be removed or demoted may desire In every case of such removal or demotion a copy of the statement of reasons therefor with the full written answer thereto if any shall be furnished to the Commission by the appointing authority within ten days from the receipt of the written answer and shall be made a part of the public records of the Commission Within thirty days after receipt of such notice of removal or demotion from an appointing authority the Commission upon the request of the appointing authority or of the removed or demoted employe shall initiate an investigation which shall include a public hearing Such investigation and hearing may be conducted by the Commssion or by anyone delegated by the Commission The investigation and hearing shall be for the purpose of fairly determining whether the employe involved merits continuance in his position or should be removed therefrom or demoted or otherwise disciplined for the good of the service At the hearing the Commission or

those acting for the Commission shall not be required to follow technical rules of evidence or court procedure but shall diligently seek all of the evidence and information bearing on the merits of the case Where an investigation is conducted at the request of the demoted employe the Commission within ten days after the completion of such investigation and hearing or sooner if practicable shall make its findings and conclusions which shall be forthwith certified to the appointing authority and be made public but the appointing authority shall not be bound by the decision of the Commission The Commission may in its discretion order that the name of any person whose removal from the classied service has become final and binding be placed at the head of the appropriate reemployment or employment list of transferred provided that such action is taken not later than thirty days after the Commission has recorded its findings and conclusions

Charges against any employe in the classified service asking for his removal for a violation of law or for any cause enumerated in the rules may be filed by any citizen or taxpayer with the appropriate appointing authority and with the Administrator Charges so filed shall at the discretion of the Commission publicly recorded be investigated and determined in the manner provided in this section

ARTICLE IX

PROHIBITIONS PENALTIES AND ENFORCEMENT

Section 901 COMMISSION'S CERTIFICATE OF LEGALTY OF EMPLOYMENT AND LIABILITY OF APPOINTING AND DISBURSING OFFICERS It shall be unlawful for the Auditor General or any other officer or employe to draw sign issue or authorize the drawing signing or issuing of any requisition voucher payroll check or warrant on the State Treasurer or other disbursing officer for the payment of or for the State Treasurer or other disbusing office to pay the compensation of any person holding a position in the service of the Commonwealth unless an estimate account requisition or payroll for such salary or compensation containing the name title period for which such payment is to be made and rate of pay for each person to be paid shall bear the certificate of the Administrator that the person named in such estimated account requisition or payroll have been appointed and employed in accordance with the provisions of this Act and the rules made thereunder if the Administrator shall find that any person has been employed in violation of any provision of this Act or of the rules made thereunder he shall so notify the Auditor General or other officer of the Commonwealth and thereafter such officer shall not draw sign or issue or authorize the drawing signing or issuing of any requisition of warrant on the State Treasurer or other disbursing officer for the payment of salary or compensation to any such person except upon order of a court of competent jurisdiction Any sum paid contrary to the provisions of this Act and the rules made thereunder may be recovered from any officer or employe making such payment and if paid contrary to the provisions of this Section may be recovered from any officer signing or countersigning or authorizing the signing or countersigning of any requisition voucher payroll check or warrant for such payment or from the securities on his official bond Such recovery may be made in the manner now provided by law for the collection of claims of the Commonwealth or in an action in the Court of Common Pleas of Dauphin County maintained by any elector of the Commonwealth All moneys recovered in any action brought under the provisions of this Section shall when collected be paid into the treasury of the Commonwealth except that where the plaintiff in any such action is an elector he shall be entitled to receive for his own use the taxable costs of such action

Section 902 FALSE STATEMENTS MADE UNDER OATH CONSTITUTE PERJURY Any false statement made under oath either orally or in writing in any application or other paper filed with the Commission or in any proceeding before the Commission or in any investigation conducted by or under the direction of the Commission or by the Administrator or in any proceedings arising under this Act shall be perjury and punishable as such

Section 903 CERTAIN ACTS MADE MISDEMEANORS Any person who wilfully by himself or in collusion with one or more other persons defeats deceives or obstructs any person in respect to his right of examination appointment or employment according to this Act or according to any rules made thereunder or who corruptly or falsely makes rates grades estimates or reports upon the tests or proper standing of any person tested or certified pursuant to the provisions of this Act or aids in so doing or who wilfully makes any false representations concerning the same or concerning the persons tested or who wilfully furnishes to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified or who impersonates any person or permits or aids in any manner any other person to impersonate him in connection with any examination or request to be examined certified or appointed or who furnishes any false information about himself or about any other person in connection with any request to be examined certified or appointed or who makes an appointment to office or selects any person for employment contrary to this Act or to any rules made thereunder or who refuses to comply therewith or who wilfully or through culpable negligence violates any of the provisions of this Act or of any rules made thereunder shall for each offense be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) and not exceeding three thousand ($3,000.00) or to serve imprisonment for a period not exceeding 3 years or both in the discretion of the court

Section 904 PHOHIBITION OF POLITICAL ACTIVITY No person in the classified service shall be a member of or delegate or alternate to any political convention nor shall he participate at any such convention except in the performance of his official duty nor shall he serve as a member of or attend the meetings of any committee of any political party or take an active part in political management or in political campaigns or use his office or position to influence political movements or to influence the political action of any officer or employe in the service of the Commonwealth nor shall he circulate or seek signatures to any nominations or other petition provided by any primary or election law nor shall he seek or accept election nomination or appointment as an officer of a political club or organization or serve as a member of a committee of any such club or organization nor shall he in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the election material to the place provided by law for that purpose save only for the purpose of making and depositing his own ballot as speedily as it reasonably can be done nor shall he be within the polling place or within fifty feet thereof except for the purpose of carrying out official duties and of ordinary travel or residence during the period of time beginning with one hour proceeding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place for the purpose of depositing the election material in the place provided by law for that purpose excepting only police officers who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each case remain only long enough to accomplish the duties aforesaid after which the said officers shall at once withdraw

Section 905 PROHIBITION OF ASSESSMENTS No person shall solicit pay give or receive in any public building belonging to the Commonwealth any money or valuable thing for any political purpose whatever No person shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing or any assessment subscription or contribution whether voluntary or involuntary from any officer or employe in the classified service for any political purpose whatever No person in the classified service shall orally or by written or printed communi-

cation directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing for any political purpose whatever No person in the classified service shall pay or give any money or valuable thing or make any subscription or contribution whether voluntary or involuntary for any political purpose whatever No person about to be appointed to any position in the classified service shall in advance of or at the time of such appointment sign or execute a resignation dated or undated No person in the service of the Commonwealth shall dismiss suspend lay-off demote or promote or in any manner change the official status or compensation of any other person in said service or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political purpose No person shall take part in preparing any political assessment subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the classified service and no person shall knowingly send or present directly or indirectly in person or by letter any political assessment subscription or contribution to or request its payment by any person in the classified service

Section 906 REMOVAL AND DISQUALIFICATION OF OFFICERS AND EMPLOYES Any person holding a position in the service of the Commonwealth who violates any of the provisions of this Act or of the rules made thereunder shall be immediately separated from the service It shall be the duty of the appointing authority of the department or institution in which the offending person is employed to removed him at once in accordance with the provisions of this Act Any taxpayer may bring an action in the Court of Common Pleas of Dauphin County against the Auditor General or the State Treasurer or both to restrain the payment of compensation or the issuing of warrants for the payment of compensation to any such employe who has been appointed or employed in violation of this Act or who has violated any of the provisions thereof said taxpayer may as an additional remedy obtain a writ of mandamus to compel such removal Any person removed under this section shall for a period of two years be ineligible for reappointment to any position in the service of the Commonwealth

ARTICLE X

SCHEDULE

Section 1001 TRANSFER OF RECORDS All lists of eligibles in effect on the effective date of this act and all books papers records documents supplies materials and equipment relating to or used in connection with any merit system in the service of the Commonwealth in effect on the effective date of this act are hereby transferred from the department board or agency heretofore charged with the administration of such merit system to the State Civil Service Commission on the effective date of this Act

Such lists of eligibles shall be used by the commission in the same manner as hereinbefore provided until examinations shall have been held by the commission and new lists of eligibles prepared pursuant thereto All persons whose names remain on any existing list of eligibles shall be retained thereon for at least one year from the date when the list was established

Section 1002 EMPLOYMENT BOARD ABOLISHED The Employment Board in the Department of Public Assistance is hereby abolished and the terms of all of its members in office are hereby terminated on the effective date of this act

Section 1003 EFFECTIVE DATE OF THIS ACT This Act shall become effective December first one thousand nine hundred thirty-nine except Articles I II III IV which shall become effective immediately upon its final enactment

Section 1004 REPEALER The following laws or parts of laws are hereby repealed

Section 302 of the Act of June 16 1937 Pamphlet Laws 1770 reenacting and further amending the Act of November 29 1933 (Pamphlet Laws 15 1933-1934) as amended by Act of July 18 1935 Pamphlet Laws 1246 Section 208 of the Act of December 5 1936 Pamphlet Laws 2897 as amended by Section 2 of the Act of May 18 1937 Pamphlet Laws 658 Sections 2504-A and 2505-A of the Act of June 24 1937 Pamphlet Laws 2003 All other laws or parts of laws inconsistent with this law are hereby repealed

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 458, as follows:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any railroad company or corporation organized under any general or special law of this Commonwealth or of this Commonwealth and any other state or states shall have power subject where required by law to authorization of any increase of indebtedness by its stockholders in the manner provided by law for such company or corporation to borrow money to such amount as it may deem necessary for the construction or equipment of its railroad for the refunding or retirement of obligations issued or guaranteed by it or for other corporate purposes and to issue therefor its bonds notes or other evidences of indebtedness Such bonds notes or other evidences of indebtedness may be payable at such time or times bear interest at such rate or rates and contain such other lawful terms and provisions as the directors may authorize When authorized by resolution of its directors it shall be lawful for any such company or corporation to secure the payment of the principal or interest or both of all or any part of any bonds notes or other evidences of indebtedness that it is authorized by law to issue by mortgage deed of trust or other pledge or conveyance by way of security of all or any part of its real and personal property rights privileges and franchises and in such manner and upon such terms as its directors may determine It shall be unlawful for any such company or corporation when authorized by resolution of its directors to confer on the holders of any bonds notes or other evidences of indebtedness secured or unsecured that it is authorized by law to issue the right to convert the principal thereof within such period and upon such terms conversion price or prices and conditions as may be fixed by resolution of its directors into capital stock common or preferred of such company or corporation without first offering said bonds notes other evidences of indebtedness or stocks to shareholders of any class or classes

Section 2 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 636, as follows:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and thirty-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable papers on such days" by authorizing certain additional bank holidays

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as last amended by the acts approved the thirteenth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 45) and the seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 601) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourteenth day of June known as Flag Day the fourth of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday during July and August and the first Saturday in September and all other Saturdays after twelve o'clock noon until twevle o'clock midnight each of which Saturdays during July and August and the first Saturday of September is hereby designated a full holiday and each of the remaining Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer or other religious observance and in the event of a financial crises in the State or Nation any day or days appointed by the Governor of this State or the President of the United States as a bank holiday shall for all purposes whatever as regards the presenting for payment or acceptance and as regard the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any full or half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday or if such Saturday is designated as a full holiday under the provisions of this act the same shall be paid on the day preceeding such full holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a full holiday or a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And providing further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or tranacting its business on any of the said Saturday afternoons if by a vote of its directorss it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 642, as follows:

An Act to further amend Section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by making further provision for the investment of trust funds in interest-bearing deposits

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection 14 of paragraph 1 of clause (a) of section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the pay-

ment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharged of residuary estates and of real estate from the lien of legasies and other charges the appraisement of real estate dvised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees thereof appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" which was added to the said section by the act approved the twenty-eighth day of May one housand nine hundred and thirty-seven (Pamphlet Laws 1037) is hereby amended to read as follows

Subsection (14) Interest-Bearing Deposits Interest-bearing deposits including certificates of deposit saving accounts and other forms of deposits upon which interest is paid in any bank bank and trust company savings bank or national banking association located within this Commonwealth The maturity date or the permissible date of withdrawal of any such deposit shall not exceed one year from the date of the deposit or any renewal thereof A fiduciary shall not invest more than [five hundred] one thousand dollars of the funds of any trust estate in such deposits nor shall such investments be made in deposits in the institution which is fiduciary of such estate

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 748, entitled:

An Act to amend section forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotarie- sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to provide for the preservation of registration records

The first section of the bill was read as follows:

Section 1 Section forty of the act approved the twenty-fifth day of May one thouand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 40 Cancellation Removal and Preservation of Registration Cards and Records (a) Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

(b) All records which are not essential for maintaining the current status of any qualified elector may be destroyed by the commission after three years

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend page 3 by adding thereto the following:

Section 2. The provisions of this Act shall become effective immediately upon the final enactment of this Act.

Mr. THOMAS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An act to amend section forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provided for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to provide for the preservation of registration records

And said bill as amended having been read at length the second time and agreed to:

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 749, entitled:

An Act to amend sections thirty-three and thirty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

The first section of the bill was read as follows:

Section 1 Section thirty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioner registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 39 Cancellation Removal and Preservation of Registration Cards (a) Whenever the registration of an elector is concelled for any cause the commission shall mark on the registration cards of the elector the word "cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

(b) All records which are not essential for maintaining the current status of any qualified elector may be destroyed by the commission after three years

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend page 5 by adding thereto the following: Section 2. The provisions of this Act shall become effective immediately upon the final enactment of this Act.

Mr. THOMAS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend sections thirty-three and thirty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and proscribing the powers and duties of citizens political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

And said bill as amended having been read at length the second time: and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 750, entitled:

An Act to amend section thirty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to provide for the preservation of registration records

The first section of the bill was read as follows:

Section 1 Sections thirty-three and thirty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" are hereby amended to read as follows

Section 33 Comparision of Correction of Registers Commencing thirty days prior to each election or primary

the commission shall compare and correct the general and district registers

Section 34 Street Lists Posting (a) Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(b) The commission shall cause to be made sufficient number of exact copies of each such list and as soon as possible shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeing two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend page 5 by adding thereto the following:

Section 2. The provisions of this Act shall become effective immediately upon the final enactment of this Act.

Mr. THOMAS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend section thirty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to provide for the preservation of registration records

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 751, entitled:

An Act to amend sections thirty-two and thirty-three of act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefore and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

The first section of the bill was read as follows:

Section 1 Sections thirty-two and thirty-three of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" are hereby amended to read as follows

Section 32 Comparison and Correction of Registers

Commencing thirty days prior to each election and primary the commission shall compare and correct the general and district registers

Section 33 Street Lists Posting (a) Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(b) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation

and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend page 5, by adding thereto the following:

Section 2. The provisions of this Act shall become effective immediately upon the final enactment of this Act.

Mr. THOMAS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend sections thirty-two and thirty-three of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inpectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

And said bill as amended having been read at length the second time and agreed to:

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 759, as follows:

An Act to amend section one of the act approved the seventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws 158) entitled "An act creating a Legislative Reference Bureau providing for the election of a director by the General Assembly designating the officers and employes of such bureau defining their duties fixing their salaries abolishing the present Legislative Reference Bureau and making an appropriation" providing for the location of the bureau

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws 158) entitled "An act creating a Legislative Reference Bureau providing for the election of a director by the General Assembly designating the officers and employes of such bureau defining their duties fixing their salaries abolishing the present Legislative Reference Bureau and makng an appropriation" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a Legislative Reference Bureau is hereby created for the use and information of the Members of the General Assembly the Governor and the heads of the departments of the State Government and such citizens of the Commonwealth as may desire to consult the same The bureau shall be located in [the State Library Building] such space in the main Capitol building as shall be assigned to it by the General Assembly The Legslative Reference Bureau as now existing is hereby abolished

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and contion of Senate Bill No. 761, as follows:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contribution by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowance returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 683) is hereby further amended to read as follows

Section 1 Be it enacted et cetra That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * * *

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of

this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission and of the Pennsylvania Turnpike Commission paid on a yearly or monthly basis if the Delaware River Joint Commission or the Pennsylvania Turnpike Commission as the case may be shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 808, as follows:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" extending provisions to include boroughs incorporated towns or townships and for taking over or building such connecting roads not exceeding one mile in length

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Highways is hereby authorized to join two or more State highway routes in boroughs incorporated towns or townships by taking over or building a connecting road whenever such connecting road would lessen the distance between two points on separate routes or provide a better alignment or grade Provided however That no connecting road constructed or taken over under the provisions of this act shall be more than one mile in length Such road when constructed or taken over shall become a State Highway and subject to the laws relating to such highways

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. WOODWARD. Mr. Presdent I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Insurance, reported as committed, Senate Bill No. 842, entitled:

An Act to repeal section three hundred and two of the act approved the fifth day of December one thousand nine hundred and thirty-six, (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," and setting up a reserve fund in the State Treasury.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 607, (House Bill No. 919). I understand this bill is unconstitutional.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

Mr. JASPAN. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. JASPAN. Mr. President, will the Senator from Tioga tell me what this bill does?

Mr. OWLETT. Mr. President, may I suggest to the Senator from Philadelphia, Mr. Jaspan, that he interrogate the Chairman on the Committee on Insurance?

Mr. JASPAN. Mr. President, I would like to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. JASPAN. Mr. President, I should like to inquire from the Senator from Indiana what is the purpose of this bill?

Mr. WOLFENDEN. Mr. President, this is a bill that was introduced in the house, Mr. McNally sponsored the bill.

Mr. JASPAN. Mr. President, what is the purpose of the bill; what does it do?

Mr. WOLFENDEN. Oh, Mr. President, does the Senator from Philadelphia, Mr. Jaspan, want to know what the bill does?

Mr. SHAPIRO. Mr. President, some time ago we passed a bill which permitted insurance companies to invest in mortgages 66 2/3% instead of 60%. That was the bill of Senator from Indiana: now this is the same kind of bill, and it permits investments in mortgages up to 66 2/3% and permits investments by the same companies in corporations whose total profit or income amounted to 1½ times more than the total indebtedness.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 607 (House Bill No. 919), entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companes and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken greeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Edmonds,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Homsher,	Mundy,	Tallman,
Deitrick,	James,	Owlett,	Thomas,
Dent,	Jaspan,	Pierson,	Walker,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

MOTION TO PUT REMAINING BILLS ON CALENDAR OVER IN ORDER

Mr. OWLETT. Mr. President, I move that all remaining bills on the Calendar go over in their order.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 549

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 3, 1939.

Resolved (if the Senate concur), That House Bill No. 549, Printer's No. 648, entitled:

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by increasing clothing allowances and requiring a report by commanding officers

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for its concurrence.

On the question,

Will the Senate concur in the resolution of the House of Reprsentatives?

It was concurred in.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 50, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 153, entitled:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first, one thousand nine hundred and thirty-nine.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 198, entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds, or other obligations of corporations, when such mortgages, bonds or obligations contained minor defects.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 244, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate of assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof; judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies; including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciares; the organzation of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 279 (House Bill No. 243), entitled:

An Act regulating the selection, drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties, creating a jury board and definng its powers and procedure, providing for the appointment of a clerk to the jury board and fixing his maximum salary, providing for the custody of the jury wheel and the filing and custody of jury lists, providing for the public drawing of jurors and the methods thereof, giving the trial judge the right to excuse jurors, prescribing the time of challenging jurors or the array regulating the procedure if array is quashed, providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 284, (House Bill No. 356, entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 293, (House Bill No. 442), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 303, (House Bill No. 370), entitled:

An Act to further amend section six of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form, execution, revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians, to spendthrift trusts, to forfeiture of devise or legacy in case of murder of testator to elections, to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 476, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class and second class A and third class as State Highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations

to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibtng the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Jeannette.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 504, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court, the judges thereof to consist of the retired judges of the Supreme, Superior, Common Pleas and Orphans' Courts, and to perform auxiliary judicial services in the several courts of the Commonwealth, and providing for their necessary expenses, and for the continuation of their retirement pay while performing such services.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 505, entitled:

An Act validating purchases heretofore made by bank and trust companies, trust companies and national banking associations as fiduciaries, of mortgages or other assets from their own commercial departments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 591, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 337), entitled "An act relating to the jurisdiction, powers, and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate, and for the sale of real estate for the purpose of distribution; and the fees, costs, and expenses therein, "by extending the jurisdiction of the orphans' court to include partition proceedings between heirs of a deceased co-tenant and the surviving co-tenant.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 594, entitled:

An Act to further amend section three of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants; the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," providing for the licensing of certain nurses without examination.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 612, entitled:

An Act to regulate the acquring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 635, entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 955) entitled, "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers; including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation, and imimposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments;" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions and declaring bonds of an authority negotiable instruments, proper for legal investments and free from taxation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 637, entitled:

An act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all taxes, delinquent for more than one fiscal year; and providing remedies and penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 638, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of taxes of the next preceding fiscal year; and providing remedies and penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 675, entitled:

An Act for the registration and regulation of certain individuals and entitles selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; provding for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 695, entitled:

An Act to deny a right of action, and to relieve counties of liability, for damages for injury to or destruction of property by action of a mob or in consequence of a riot; and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 703, entitled:

An Act giving landlords a perference where goods are sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 743, entitled:

An act to amend subsection VII of section three of the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit association, to be termed credit unions; depositing such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," permitting such credit unions to invest funds in loans to other credit unions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 756, entitled:

An Act providing for the appointment of an acting president judge in any court of the Commonwealth having more than one law judge.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 758, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 795, entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing, construction, operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 796, entitled:

An Act to amend section nine of the act, approved the twenty-second day of December one thousand nine hunddred thirty-three (P. L. 103), entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River, and the issuance of permits therefor," by providing for the assignment of such permits in certain cases, and making further provision with respect to the collection of tolls.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 816, entitled:

An Act to amend the act, approved the sixth day of April one thousand nine hundred and thirty-nine (P. L. Act No. 4-A) entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board" by increasing the amount of the appropriation and authorizing the Department of Forests and Waters to accept reimbursements from the United States Department of War.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 824, entitled:

An Act reappropriating to the Bituminous Coal Study Commission the unexpended balance of money heretofore appropriated thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 835, entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 842, entitled:

An Act to repeal section three hundred and two of the act approved the fifth day of December, one thousand nine hundred and thirty-six, (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employes to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," and setting up a reserve fund in the State Treasury.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Thursday, May 4, 1939 at 1:00 o'clock, p. m. E. S. T.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:50 o'clock, p. m. E. S. T. until Thursday, May 4, 1939, at 1:00 o'clock, p. m. E. S. T.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 3, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Almighty God, hear and consider our prayer. Keep us very near to Thee as we meet the duties and responsibilities of another day. May we find an inner response to all that is good and true, and an abhorrence for all that is evil and false. Save us from those frivolities that block the wheels of civic progress and stem the tide-flow of a personal service for true usefulness. Lift us above the petty bickerings of partisanship, that we may gaze through the crystal of vibrant patriotism, and hang upon the walls of our hearts the visions of Washington and Lincoln. May the justice, the honor, and the truth of the Galilean Teacher be ours to bless us with that eternal love which he brought to the light of men. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MADDEN, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. AUKER. HOUSE BILL No. 1438.

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 408. (HOUSE BILL No. 1439).

An Act to authorize insurance companies to include in any general blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents.

Referred to the Committee on Insurance.

SENATE BILL No. 414. (HOUSE BILL No. 1440).

An Act authorizing school districts of the first class to fund floating indebtedness incurred prior to December 31, 1939 for current expenses and debt service and to issue and sell bonds for this purpose.

Referred to the Committee on Cities—First Class.

SENATE BILL No. 415. (HOUSE BILL No. 1441).

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collcting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

Referred to the Committee on Cities—First Class.

SENATE BILL No. 422. (HOUSE BILL No. 1442).

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties; and repealing existing laws," as amended, by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business, to write policies without contingent liability in such policy or in the power of attorney.

Referred to the Committee on Insurance.

SENATE BILL No. 425. (HOUSE BILL No. 1443).

An Act to amend Sections 2601 2602 2603 and 2604 of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election or appointment of auditors in merged and other union school districts fixing the term of office and manner of filling vacancies.

Referred to the Committee on Education.

SENATE BILL No. 460. (HOUSE BILL No. 1444).

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to, of the act approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utilily business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty and supervising and regulating persons, associations, companies, and corporations including to a limited extent municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and the regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers by motor vehicles providing for additional insurance by certain motor carriers of passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

Referred to the Committee on Public Utilities.

BILLS INTRODUCED AND REFERRED

By Mr. VAN ALLSBURG. HOUSE BILL No. 1445.

An Act to amend subsection (a) of section four of the act, approved the twenty-four day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by exempting certain property from execution in certain cases.

Referred to the Committee on Welfare.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1446.

An Act providing for the disposition of, and appropriating to the Department of Public Assistance all restitutions and over-payments of money paid for assistance; and authorizing refunds of excess payments.

Referred to the Committee on Appropriations.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1447.

An Act to amend subsections (b), (d) and (f) of section two thousand five hundred four A, and section two thousand five hundred five A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof

and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by providing for the recruitment of employes and the certification of eligible lists; for provisional appointments for six months; for promotional examinations for filling vacancies; and redefining the functions and duties of the Secretary of the Department of Public Assistance.

Referred to the Committee on Welfare.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1448.

An Act to amend sections one hundred two, four hundred three, and five hundred one, and subsection (c), of the act, approved the twenty-fuorth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by defining "Public Charge"; and providing for loss of settlement under certain circumstances.

Referred to the Committee on Welfare.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1449.

An Act to amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," as amended, by providing for exceptions in certain cases.

Referred to the Committee on Welfare.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1450.

An Act to amend sections one and two of the act approved the eighteenth day of April,one thousand nine hundred and thirty-five, (P. L. 48), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumsances," by requiring employers to disclose information concerning wages of applicants or recipients of public assistance.

Referred to the Committee on Welfare.

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. Stockham, to preside.

MR. STOCKHAM IN THE CHAIR

REPORTS FROM COMMITTEES

Mr. FREED from the Committee on Liquor Control reported as committed, House Bill No. 1254, entitled:

An Act to amend clause (b) of section twenty-three of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalties and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political sub-divisions of the State, and election officers; providing penalties; and repealing existing acts;" allowing licensees to sell malt or brewed beverages certain hours on Sunday subject to local referendum.

Mr. FREED from the Committee on Liquor Control reported as committed, House Bill No. 1255, entitled:

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties;" allowing licensees to sell liquor and malt or brewed beverages certain hours on Sunday subject to local referendum.

Mr. FREED from the Committee on Liquor Control reported as committed, House Bill No. 1048, entitled:

An Act to further amend clause (a) of section four hundred and seven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the for-

feiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the fees for hotel and restaurant liquor licenses in certain cases.

Mr. CARPENTER from the Committee on Liquor Control reported as committed, House Bill No. 526, entitled:

An Act to amend sections four hundred two, four hundred three, four hundred four, four hundred seven, four hundred nine, four hundred eleven, four hundred twelve, six hundred two, paragraph fourteen, and seven hundred one of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen—one thousand nine hundred thirty-three — one thousand nine hundred thirty-four), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended by the act approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand seven hundred sixty-two).

Mr. HOCKE from the Committee on Liquor Control reported as committed, House Bill No. 1356, entitled:

An Act to amend clause (e) of section six hundred and nine of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, permitting hotel, restaurant, and club licensees to own land, but not the buildings thereon, where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law.

Mr. CURRAN from the Committee on Motor Vehicles, reported as committed, House Bill No. 419, entitled:

An Act to further amend the definition of "peace officer" in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," to include members of the General Assembly and other elected State officers; and vesting them with authority of arrest.

Mr. ROYER from the Committee on Motor Vehicles reported as committed, House Bill No. 448, entitled:

An Act to amend section eight hundred and fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, foreiftures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by authorizing volunteer firemen to use sirens or whistles on vehicles when making emergency fire calls.

Mr. STOCKHAM from the Committee on Boroughs reported as amended, House Bill No. 1349, entitled:

An Act to amend article two; section one thousand thirty-five as amended, and sections two thousand four hundred sixty, two thousand seven hundred twenty-two, and three thousand one hundred one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the creation of boroughs from townships of the first class upon petition to the court of common pleas and a referendum, and prescribing the procedure therefor, changing contents of auditors' statement; further regulating the use of moneys collected on borough-owned water-works; giving school districts power to acquire and maintain property jointly with other school districts, boroughs, cities or counties for certain purposes; extending the jurisdiction within which, and the manner, fines, penalties and costs may be collected; and repealing existing law providing for the payment of compensation, medical and hospital expenses, and regulating sick leave periods, of certain policemen and firemen.

Mr. O'NEILL from the Committee on Motor Vehicles reported as committed, House Bill No. 590, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and

the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses magistrates aldermen justices of the peace the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs incorporated towns townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," exempting motor vehicles, trailers and semi-trailers of certain orphan schools from payment of fees for certificates of title and registration.

Mr. KILROY from the Committee on Motor Vehicles reported as committed, House Bill No. 187, entitled:

An Act to amend section five hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring extra fees for the assignment of special registration plates.

Mr. AUKER from the Committee on Municipal Corporations reported as committed, House Bill No. 1400 (Senate Bill No. 138), entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds and fixing a penalty for violation thereof.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 833, entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the incurring and refunding of temporary indebtedness

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1005, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 41, entitled:

An Act to further amend section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State Highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purpose providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certan moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1022, entitled:

An Act to amend further section five of an act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of cerain streets in cities of the second class, second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of

certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets provding that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may in the discretion of the Secretary of Highways construct reconstruct resurface or maintain additional width

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1026, entitled:

An Act to provide that under certain conditions roads highways bridges and other highway structures may be constructed to such width as may be determined by authorities responsible for such highways and providing for condemnation of land and payment of damage therefor

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 650, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tution by certain school districts and reimbursement thereof by the State" by providing for the election of county supervisors of agriculture and homemaking the election of principals instructors and lecturers for the Public Service Institute and by further providing for the reimbursement by the Commonwealth of districts of the second third and fourth classes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1211, entitled:

An Act to amend section two of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2772) entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties" creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund providing for the transfer of certain moneys into said fund by the State Treasurer and for the payment of moneys to and the requisition of moneys from said fund by the Bureau of Topographic and Geologic Survey in the Department of Internal Affairs

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1299, entitled:

An Act to amend section one of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (P. L. 645) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificate fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" as amended excluding from the provisions of said act all limited partnerships and members thereof for which a certificate is filed in the office of the recorder of deeds

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 158, entitled:

An Act to further amend section ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by extending the purposes for which counties may use moneys received from said tax

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1208, entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1149, entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858) entitled: "An act establishing a State employes' retirement system and creating a retirment board for the administration thereof

establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 223, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1007, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1321, entitled:

An Act cancelling certain debts due the Commonwealth by townships and the agreements under which such debts were created

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1225, entitled:

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties liabilities, accounts, discharge, and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 500, entitled:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of opthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of such case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1431, (Senate Bill No. 661), entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1432, (Senate Bill No. 662), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the

clerk of the orphans' court of the various counties and imposing penalties

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Bucks, Mr. Stockham.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

The SPEAKER. If there is no objection the Chair will take up bills on final passage recalled from the Governor.

The Chair hears none.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 444, as follows:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" is hereby amended to read as follows

Section 9 Any individual eligible to membership in such fund as aforesaid shall be required

(1) To sign an acceptance of the provisions of this act which acceptance shall contain an agreement on the part of the one so signing that upon resignation or dismissal from the employ of said bureau of fire he shall thereby relinquish and forfeit all rights to participate in said fund and no employment shall be granted an applicant to a position which would make him eligible as a member of said fund until such acceptance and agreement is signed by him

(2) To contribute to said fund three per centum of his rated monthly salary or wages which shall be deducted from his salary or wages by the city controller from the payroll for the last half of each month and paid into the fund [In addition such members shall contribute the sum of one dollar to the beneficiary of a deceased member of the fund which amount in the case of an active member shall be deducted in the month following the death of such member by the city controller from the payroll for the last half of each month and in the case of a pensioner shall be deducted from the amount paid each pensioner by the secretary of the fund in the month following the death of such member and paid into the fund] All beneficiaries of the fund shall in addition thereto pay the sum of one dollar a month into the said fund and in the case of active members the city controller shall deduct said contribution from the payroll of the last half of each month and the secretary of the fund shall deduct the sum of one dollar from the pension paid each pensioner The amount so collected shall be paid into the firemen's relief and pension fund and out of the funds of the firemen's relief and pension fund there shall be paid to the beneficiary of any deceased member of the fund the sum of one thousand two hundred dollars

When any member of the fund shall resign or be dismissed from service or shall die while in active service there shall be paid to him or to his executor or administrator if his service has been terminated by death from the fund all dues paid by him into the fund Substitute employes of the bureau of fire shall be credited for pension and pay on the basis of actual days served in the bureau of fire Regular and substitute employes shall serve at least fifteen days in each month and appear on both semi-monthly payrolls of said bureau of fire in said month in order to be credited for one month's service for pension under this act

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Levy,	Sarge,
Ackermann,	Ely,	Leydic,	Sarraf,
Allen,	Ewing,	Lichtenwalter,	Scanlon,
Allmond,	Falkenstein,	Long,	Schrock,
Alspach,	Fauset,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shearer,
Balliet,	Fleming,	Marr,	Simon,
Balthaser,	Foor,	Matthews,	Skale,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boies,	Gates,	McLane,	Stambaugh,
Boney,	Gillan,	McNally,	Stank,
Boorse,	Gillette,	McVay,	Stewart,
Boose,	Goll,	Melchiorre,	Stockham,
Bower,	Gorski,	Mihm,	Sweeney,
Boyd,	Habbyshaw,	Montgomery,	Tahl,
Brancato,	Haines,	Mooney,	Tarr,
Bretherick,	Hall,	Moran,	Taylor,
Bronson,	Hamilton,	Moser, F. S.,	Terry,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, E. F.,
Brunner,	Haudenshield,	Munley,	Thompson, G. R.,
Burns,	Henry,	O'Brien,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	Van Allsburg,
Carpenter	Hocke,	Ominsky,	Van Belle,
Check,	Hoffman, J. N.,	O'Neill,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peacock,	Wagner,
Christler,	Holland,	Peale,	Walsh,
Clark	Hoyt,	Powers,	Watkins,
Clearwater,	Huntley,	Preston,	Webster,
Cohen, H. B.,	Imbrie,	Readinger,	Weiss,
Cohen, R. E.,	James,	Reagan,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, D. F.,	Welsh, M. J.,
Cooper,	Johnston	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Kane,	Rhodes,	Williams,
Cortese,	Keenan,	Rider,	Wilson,
Curran,	Kenehan,	Riley,	Winner,
Dalrymple	Kilroy,	Robertson,	Wood, H. M.,
Denman,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry,	Woodside,
Dix,	Krise,	Rothenberger,	Yeakel,
Donahue,	Lee.	Royer,	Turner.
Donohoe,	Leisey,		Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 28, as follows:

An Act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The drug known as sulfanilamide and any of its devrivatives shall not be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician dentist or verterinarian compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files together with the name of the physician dentist or verterinarian prescribing it Provided That the provisions of this section of this act shall not apply to a duly licensed physician dentist or veterinarian Provided however That they keep a record of the amount of such drugs purchased and a dispensing record showing the date name of the quantity of the drugs dispensed and the name and address of the patient No physician dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser the date dispensed the name and address of the patient and the directions for the use of the drug by the patient

Section 2 No manufacturer pharmacist jobber dealer in drugs or any other person shall sell or have in his possession any sulfanilamide or its derivatives unless the container bears a label securely attached thereto stating conspicuously the specific name of the drug and the proportion of amount thereof Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription or dispensed by a physician dentist or veterinarian and the container is labeled in the manner described in section one hereof

Section 3 The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania

Section 4 Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense and not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for the third and each subsequent offense If the violation is by a corporation copartnership or association the officers and directors of such corporation or the members of such copartnership or association their agents and employes with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Leisey,	Royer,
Ackermann,	Eckels,	Levy,	Sarge,
Allen,	Ely,	Leydic,	Sarraf,
Allmond,	Ewing,	Lichtenwalter,	Scanlon,
Alspach,	Falkenstein,	Long,	Schrock,
Andrews,	Fauset,	Lovett,	Schrope,
Atkins,	Finnerty,	Lyons,	Schwab,
Auker,	Fisher,	Madden,	Seif,
Baker,	Fiss,	Malloy,	Serrill,
Balliet,	Flanagan,	Malone,	Shaw,
Balthaser	Fleming,	Marr,	Shearer,
Bardes,	Foor,	Matthews,	Simons,
Bennett,	Freed,	McClester,	Skale,
Bohn,	Fullerton,	McGarrity,	Sloan,
Boles,	Furman,	McKinney,	Snyder,
Boney,	Gates,	McLane,	Sollenberger,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Boyd,	Gorski,	Mihm,	Stockham,
Brancato,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, E. F.,
Brunner,	Haudenshield,	Munley,	Thompson, G. R.,
Burns,	Henry,	O'Brien,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	Ominsky,	Van Belle,
Chervenak,	Hoffman, J. N.,	O'Neill,	Voorhees,
Christler,	Hoffman, S. K.,	Peacock,	Wagner,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Kane,	Reynolds,	Wilson,
Curran,	Keenan,	Rhodes,	Winner,
Dalrymple,	Kenehan	Rider,	Wood, H. M.,
Denman,	Kilroy,	Riley,	Wood, L. H.,
DeNote,	Kline,	Robertson	Wood, N.,
Dick,	Knoble,	Rooney,	Woodside,
Dix,	Kowalski,	Rose	Yeakel,
Donahue,	Krise,	Roseberry,	Turner,
Donohoe,	Lee,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 518, Printer's No. 590 was passed over at the request of Mr. TAYLOR.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 845, as follows:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland the Commonwealth of Virginia and the District of Columbia which together with three members to be appointed by the President of the United States shall constitute the Interstate Commission on the Potomac River Basin with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District providing for the appointment of the Pennsylvania members of said commission and their terms of office and providing an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission consisting of three members to act jointly with commissions appointed for like purposes by the States of West Virginia and Maryland the Commonwealth of Virginia and the District of Columbia and an additional three members to be appointed by the President of the United States and which together with the other commissions appointed as hereinbefore mentioned shall constitute and be known as the Interstate Commission on the Potomac River Basin The said commission for the Commonwealth of Pennsylvania shall consist of three members to be named by the Governor from the membership of the Pennsylvania Commission on Interstate Cooperation The members shall be appointed imr.ediately after this act becomes effective and shall serve for terms of two years or until their successors are appointed They shall serve without compensation but shall be paid their actual expenses incurred in and incident to the performance of their duties as hereinafter set forth The Commonwealth shall contribute to the Interstate Commission on the Potomac River Basin its pro rata share of the expenses of said commission which shall be such sums as may be appropriated for the purpose but not less than the sum of three thousand dollars ($3.000) per year for the biennium beginning June first one thousand nine hundred and thirty-nine

The Governor of the Commonwealth is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with the other States and the District hereinabove referred to who may by their legislative bodies so authorize a compact in form substantially as follows

"A COMPACT

Whereas it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream and

Whereas The Congress of the United States has given its consent to the States of Maryland and West Virginia the Commonwealths of Pennsylvania and Virginia and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein for 'the purpose of regulating controlling preventing or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes'

Now Therefore the States of Maryland and West Virginia the Commonwealths of Pennsylvania and Virginia and the District of Columbia hereinafter designated signatory bodies do hereby create the Potomac Valley Conservancy District hereinafter designated the Conservancy District comprising all of the area drained by the Potomac River and its tributaries and also do hereby create the Interstate Commission on the Potomac River Basin hereinafter designated the Commission under the articles of organization as set forth below

ARTICLE I

The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States Said Commissioners other than those appointed by the President shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties

(A) The Commission shall meet and organize within thirty days after the effective date of this compact shall elect from its number a chairman and vice-chairman shall adopt suitable by-laws shall make adopt and promulgate such rules and regulations as are necessary for its management and control and shall adopt a seal

(B) The Commission shall appoint and at its pleasure remove or discharge such officers and legal engineering clerical expert and other assistants as may be required to carry the provisions of this compact into effect and shall determine their qualifications and fix their duties and compensation Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employes of any of the signatory bodies The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the Conservancy District

(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact The Commission however shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission

(D) A quorum of the Commission shall for the transaction of business the exercise of any powers or the performance of any duties consist of at least a majority of the members of the Commission provided however that no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof

ARTICLE II

The Commission shall have the power and its duties shall be

(A) To coordinate tabulate and summarize technical and other data now available or as shall become available in the future from any source on the pollution of the streams of the Conservancy District and on the character and conditions of such streams and to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission

(B) To supplement existing information and data and to secure new data by such investigations analyses or other means as may be necessary to secure adequate information on the character and condition of the streams of the Conservancy District as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream

(C) To cooperate with the legislative and administrative agencies of the signatory bodies or the equivalent thereof and with other interested commissions and similar organizations for the purpose of promoting uniform laws rules or regulations for the abatement and control of pollution of streams in the said Conservancy District

(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution through the issuance of bulletin circulars correspondence literature and reports

(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial waste or other wastes and if deemed advisable to institute and conduct such research and fact-finding activities

(F) To make and if needful from time to time revise and to recommend to the signatory bodies reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District and also for cleanliness of the various streams in the Conservancy District

ARTICLE III

The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States in the manner prescribed by the laws of the several signatory bodies and of the United States and in amounts as follows

The pro rata contribution shall be based on such factors as population the amount of industrial and domestic pollution and a flat service charge as shall be determined from time to time by the Commission subject however to the approval ratification and appropriation of such contri-

bution by the several signatory bodies And further provided that the total of such sums from all signatory bodies shall not exceed a total of thirty thousand dollars ($30,000) per annum

ARTICLE IV

Pursuant to the aims and purposes of this compact the signatory bodies mutually agree

1 Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District

2 The enactment of adequate and insofar as is practicable uniform legislation for the abatement and control of such pollution

3 The appropriation of biannual sums of the proportionate basis as set forth in Article III

ARTICLE V

This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia the Commonwealths of Pennsylvania and Virginia and by the Commissioners of the District of Columbia and approved by the Congress of the United States provided however that this compact shall not be effective as to any signatory body until ratified thereby

ARTICLE VI

Any signatory body may by Legislative action after one year's notice to the Commission withdraw from this compact"

Section 2 If any section sentence subdivision or clause of this act is for any reason held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this act

Section 3 The sum of six thousand dollars ($6,000) is hereby specifically appropriated to the Interstate Commission on the Potomac River Basin as the contribution of the Commonwealth as its pro rata share of the expenses of said commission The chairman of said commission shall file an accounting of said expenses with the Auditor General to be paid on warrant of the Auditor General on requisition of the chairman of the commission

Section 4 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Levy,	Sarge,
Ackermann,	Ely,	Leydic,	Sarraf,
Allen,	Ewing,	Lichtenwalter,	Scanlon,
Allmond,	Falkenstein,	Long,	Schrock,
Alspach,	Fauset,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boies,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Harkins,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, E. F.
Burns,	Henry,	O'Brien,	Thompson, G.R.,
Burris,	Hess,	O'Connor,	Tiemann,
Cadwalader,	Hewitt,	O'Dare,	Tronzo,
Calvin,	Hindman,	O'Keefe,	Trout,
Carpenter,	Hocke,	Ominsky,	VanAllsburg,
Check,	Hoffman, J. N.,	O'Neill,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peacock,	Voorhees,
Christler,	Holland,	Peale,	Wagner,
Clark,	Hoyt,	Powers,	Watkins,
Clearwater,	Huntley,	Preston,	Webster,
Cohen, H. B.,	Imbrie,	Readinger,	Weiss,
Cohen, R. E.,	James,	Reagan,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Johnston,	Reese, R. E.,	Westrick,
Cordier,	Jones,	Regan,	Wilkinson,
Corrigan,	Kane,	Reynolds,	Williams,
Cortese,	Keenan,	Rhodes,	Wilson,
Curran,	Kenehan	Rider,	Winner,
Dalrymple,	Kilroy,	Riley,	Wood, H. M.,
Denman,	Kline,	Robertson,	Wood, L. H.,
DeNote,	Knoble,	Rooney,	Wood, N.,
Dick,	Kowalski,	Rose,	Woodside,
Dix,	Krise,	Roseberry,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Downey,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1324, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorary discharged persons who served in the military or naval service during any war in which the United States was engaged.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G.R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peacock,	Wagner,
Christler,	Holland,	Peale,	Walsh,
Clark,	Hoyt,	Powers,	Watkins,
Clearwater,	Huntley,	Preston,	Webster,
Cohen, H. B.,	Imbrie,	Readinger,	Weiss,
Cohen, R. E.,	James,	Reagan,	Welsh, E. B.,

Cook,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Johnston,	Reese, R. E.	Westrick,
Cordier,	Jones,	Regan,	Wilkinson,
Corrigan,	Kane,	Reynolds,	Williams,
Cortese,	Keenan,	Rhodes,	Wilson,
Curran,	Kenehan,	Rider,	Winner,
Dalrymple,	Kilroy,	Riley,	Wood, H. M.
Denman,	Kline,	Robertson,	Wood, L. H.,
DeNote,	Knoble,	Rooney,	Wood, N.,
Dick,	Kowalski,	Rose,	Woodside,
Dix,	Krise,	Roseberry,	Yeakel,
Donahue,	Lee,	Rosenfeld,	Turner,
Downey,	Leisey,	Rothenberger,	Speaker.
Eckels,	Levy,	Royer,	

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 333, entitled:

A Joint Resolution proposing an amendment to section eight article five of the Constitution of the Commonwealth of Pennsylvania

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McVAY. Mr. Speaker and ladies and gentlemen of the House, House Bill 333 is a Joint Resolution proposing an amendment to Section eight of Article V of the Constitution. I crave the indulgence of the membership of the House to state a fact that is well known to you all, that in order to amend the Constitution, a joint resolution must pass two consecutive sessions of the Legislature, and then be voted on by the people.

By reason of what is deemed to be confusing language in the resolution, particularly the first part thereof, which reads: "The Commonwealth of Pennsylvania respectively, shall from time to time in turn, detail one or more of their judges," and so forth.

I have in my hand House Bill 946 as introduced in the 1937 session of the Legislature. As originally drafted, it is in the language of the Constitution which reads: "The said courts in the counties of Philadelphia and Allegheny, respectively."

Unfortunately this act was amended so as to read: "The Commonwealth of Pennsylvania, respectively, shall from time to time," and so forth.

No doubt the purpose of the amendment was to enable each and every county of the Commonwealth of Pennsylvania to provide for separate criminal courts. That is all right, that is well and good, if the individual counties should happen to need separate criminal courts, but right now only the counties of Philadelphia and Allegheny have any necessity for separate criminal courts. I should like further to call to the attention of the membership of the House that if this joint resolution should pass for the second time it would then be submitted to a vote of the people, and if approved the resoultion requires that separate criminal courts shall only be established by an act of the Legislature. Notwithstanding the fact that the language in the first part of the joint resolution is confusing. I am of the opinion that the gist of the amendment, the meat of the amendment, is in the latter part which read, "The General Assembly may by law provide for the establishment of separate courts of criminal jurisdiction in counties having courts of oyer and terminer and courts of quarter sessions of the peace."

There has been a demand by several worth while organizations for any number of years favoring the establishment of separate criminal courts, particularly in Allegheny county and as I understand in Philadelphia county. The reason for it is that in Allegheny county for instance we dispose of in our criminal courts, from eight to nine thousand cases a year. The idea of having a separate criminal court is so that judges constantly coming in contact with criminal cases, constantly coming in contact with persons accused of crime become familiar with all types of criminals, and are consequently better able to dispose of the cases before them.

I have before me a communication from one of the justices of the Superior Court of Pennsylvania to the effect that the Superior Court is unanimously in favor of the establishment of separate criminal courts provided, however, that no additional judges are created.

For the benefit of the gentleman from Cambria, Mr. Andrews, no additional judges are provided for and if this amendment should pass and is favorably voted upon by the people I feel that under no circumstances should an act of the Legislature at some future session provide or require or necessitate the creation of any additional judges.

I ask the membership of the House, notwithstanding the confusing clause in the first part of the amendment, since there is a necessity for the creation of a separate criminal court, to vote favorably on this Joint Resolution.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Ackermann,	Ely,	Lee,	Sarge,
Allen,	Ewing,	Leisey,	Sarraf,
Alspach,	Falkenstein,	Leydic,	Scanlon,
Andrews,	Fauset,	Lichtenwalter,	Schrock,
Atkins,	Finnerty,	Long,	Schwab,
Auker,	Fisher,	Lyons,	Self,
Baker,	Fiss,	Madden,	Serrill,
Balliet,	Flanagan,	Malloy,	Shaw,
Balthaser	Fleming,	Malone,	Shearer,
Bardes,	Foor,	Marr,	Simons,
Bennett,	Freed,	Matthews,	Skale,
Bohn,	Fullerton,	McClester,	Sloan,
Boles,	Furman,	McGarrity,	Snyder,
Boney,	Gates,	McKinney,	Sollenberger,
Boorse,	Gillan,	McLane,	Stambaugh,
Boose,	Gillette,	McNally,	Stank,
Bower,	Goll,	McVay,	Stewart,
Boyd,	Gorski,	Melchiorre,	Stockham,
Bretherick,	Habbyshaw,	Mihm,	Sweeney,
Bronson,	Haines,	Montgomery,	Tahl,
Brown, H. S.,	Hall,	Mooney,	Tarr,
Brown, S. W.,	Hamilton,	Moran,	Taylor,
Brunner,	Harbeson,	Moser, F. S.,	Terry,
Burns,	Harkins	Moser, J. L.,	Thistle,
Cadwalader,	Haudenshield,	Muir,	Thompson, G. R.,
Calvin,	Henry,	Munley,	Tiemann,
Carpenter,	Hess,	O'Brien,	Tronzo,
Chervenak,	Hewitt,	O'Dare,	Trout,
Christler,	Hindman,	O'Neill,	VanAllsburg,
Clark,	Hocke,	Peacock,	Van Belle,
Clearwater,	Hoffman, J. N.,	Peale,	Voorhees,
Cohen, H. B.,	Hoffman, S. K.,	Powers,	Wagner,
Cohen, R. E.,	Hoyt,	Readinger,	Walsh,
Cook,	Huntley,	Reagan,	Watkins,
Cooper,	Imbrie,	Reese, D. P.,	Webster,
Cordier,	James,	Reese, R. E.	Weiss,

Corrigan,	Jirolanio,	Regan,	Wilkinson,
Cortese,	Johnston,	Reynolds,	Wilson,
Curran,	Jones,	Rhodes,	Winner,
Dalrymple,	Kane,	Rider,	Wood, H. M.,
Denman,	Keenan,	Riley,	Wood, L. H.,
DeNote,	Kenehan,	Robertson,	Wood, N.,
Dick,	Kilroy,	Rooney,	Woodside,
Dix,	Kline,	Rose,	Yeakel,
Donahue,	Knoble,	Roseberry,	Turner,
Downey,	Kowalski,	Royer,	Speaker.
Eckels,	Krise,		

NAYS—16

Achterman,	Holland,	Ominsky,	Thompson, E. F.,
Allmond,	Levy,	Preston,	Welsh, E. B.,
Brancato,	Lovett,	Rothenberger,	Welsh, M. J.,
Burris,	O'Connor,	Schrope,	Westrick,
			Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1327, entitled:

An Act to amend section one thousand three hundred and one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prohibiting the issuance of certificates to teach to persons not citizens, except in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G. R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clearwater,	Huntley,	Preston,	Watkins,
Cohen, H. B.,	Imbrie,	Reagan,	Webster,
Cohen, R. E.,	James,	Readinger,	Weiss,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley,	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1201, entitled:

An Act to amend section one of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, savings banks, and private banks; and imposing penalties for violations," to permit the preservation of photographic film reproductions or photographs or photostatic copies of certain original records.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lyons,	Schrock,
Allmond,	Finnerty,	Madden,	Schrope,
Alspach,	Fisher,	Malloy,	Schwab,
Andrews,	Fiss,	Malone,	Seif,
Atkins,	Flanagan,	Marr,	Serrill,
Auker,	Fleming,	Matthews,	Shaw,
Baker,	Foor,	McClester,	Shearer,
Balliet,	Freed,	McGarrity,	Simons,
Balthaser,	Fullerton,	McKinney,	Skale,
Bardes,	Furman,	McLane,	Sloan,
Bennett,	Gates,	McNally,	Snyder,
Bohn,	Gillan,	McVay,	Sollenberger,
Boies,	Gillette,	Melchiorre,	Stambaugh,
Boney,	Goll,	Mihm,	Stank,
Boorse,	Gorski,	Montgomery,	Stewart,
Boose,	Habbyshaw,	Mooney,	Stockham,
Bower,	Haines,	Moran,	Sweeney,
Boyd,	Hall,	Moser, F. S.,	Tahl,
Brancato,	Hamilton,	Moser, J. L.,	Tarr,
Bretherick,	Harbeson,	Muir,	Taylor,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Calvin,	Hoffman, J. N.,	Peacock,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,

Cohen, R. E.,	James,	Reese, D. P.,	Weiss,
Cook,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cooper,	Johnston,	Regan,	Welsh, M. J.,
Cordier,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kilroy,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Downey,	Leisey,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—3

Cohen, H. B.,	Levy,	Lovett,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1257, entitled:

An Act to amend the title, Section 1, as amended, and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen, (P. L. 587), entitled "An act to protect the public health by regulating the manufacture, preparation, handling, storage, sale, transportation, and possession of meat and meat-food products; prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto," by transferring administration of the act to the Department of Agriculture; defining "Department;" and changing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Calvin,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster.
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1147, entitled:

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Self,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Calvin,	Hocke,	Ominsky,	Trout,

Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 601, as follows:

An Act to amend clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended changing the minimum salaries of certain teachers in junior high schools of third class districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws 328) is hereby further amended to read as follows

Six Districts of the third class Elementary teachers and elementary principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand dollars ($1,000) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) high shool teachers and high school principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) provided that where teachers in junior high schools have the [qualifications required by the local school board for teachers of the senior high school] minimum qualifications required by the State Department of Public Instruction for teachers of a senior high school they shall be placed upon the senior high school schedule otherwise they shall be placed upon the elementary school schedule supervisors minimum salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) elementary principals who devote one-half or more of their time to supervision and administration minimum annual salary one thousand four hundred dollars ($1,400) minimum annual increments one hundred dollars ($100) mimimum number of increments four (4) high school principals who devote one-half or more of their time to supervision and administration minimum annual salary two thousand dollars ($2,000) minimum annual increment one hundred twenty-five dollars ($125) minimum number of increments four (4) superintendents minimum annual salary three thousand five hundred dollars ($3,500)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Ackermann,	Ely,	Leydic,	Sarge,
Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Calvin,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley,	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 99, entitled:

An Act to amend section one, of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries", as amended, by permitting the court to suspend sentence and place defendants on probation in cases of conviction of any crime, under certain conditions.

On the question,

Will the House agree to the bill on third reading?

Mr. ROSENFELD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, last line of title, by inserting after the word "crime" the following: "except murder"

Amend Sec. 1 (Sec. 1), page 2, line 19, by removing the light-face bracket before the word "except"

Amend Sec. 1 (Sec. 1), page 2, line 19, by inserting a light-face bracket before the part-word "administer-" as follows "["

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1371, entitled:

An Act to amend the title and further amend and reenact the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," by extending the provisions of the act to include other weeds.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. THISTLE. Mr. Speaker and ladies and gentlemen of the House, in response to many inquiries from the members of the House as to just what this marihuana is, I wish to explain that marihuana is a weed, the dried leaves and flowers of which when crushed and smoked in cigarette form deadens the nerve centers of the brain causing the baser instincts of the users to become predominant. This drug is habit forming and deadly, causing untold tragedy and leaving human wreckage in its wake. Therefore I feel that all the members of the House will support this bill.

In a lighter and less serious vein you will note that the original bill which is a very old one, and to which this marihuana is an amendment calls for the elimination and destruction of Canada thistles. At this time I trust that none of our members are inspired to legislate to provide for the destrcution of Pennsylvania "thistles" because you will have quite a tough time putting through that legislation.

Mr. ELY. Mr. Speaker and members of the House, just one word in connection with this bill. I think perhaps some of the legislators might be interested in knowing, those who have not had an opportunity to study it, that the word "Chicory", another weed, appears in the title of the bill. That is already in the law and was put in the title simply to clear the title and make it read as it should.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Calvin,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley,	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 293, entitled:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases, imposing restrictions on such witnesses, providing for their maintenance at the expense of the county; and prescribing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ely,	Leydic,	Sarraf,
Ackermann,	Ewing,	Lichtenwalter,	Scanlon,
Allen,	Falkenstein,	Long,	Schrock,
Allmond,	Fauset,	Lovett,	Schrope,
Alspach,	Finnerty,	Lyons,	Schwab,
Andrews,	Fisher,	Madden,	Seif,
Atkins,	Fiss,	Malloy,	Serrill,
Auker,	Flanagan,	Malone,	Shaw,
Baker,	Fleming,	Marr,	Shearer,
Balliet,	Foor,	Matthews,	Simons,
Balthaser	Freed,	McClester,	Skale,
Bardes,	Fullerton,	McGarrity,	Sloan,
Bennett,	Furman,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,
Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Melchiorre,	Stewart,
Boose,	Gorski,	Mihm,	Stockham,
Bower,	Habbyshaw,	Montgomery,	Sweeney,
Boyd,	Haines,	Mooney,	Tahl,
Brancato,	Hall,	Moran,	Tarr,
Bretherick,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G. R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peale,	Voorhees,
Christler,	Holland,	Powers,	Wagner,
Clark,	Hoyt,	Preston,	Walsh,
Clearwater,	Huntley,	Readinger,	Watkins,
Cohen, H. B.,	Imbrie,	Reagan,	Webster,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Kane,	Rhodes,	Williams,
Cortese,	Keenan,	Rider,	Wilson,
Curran,	Kenehan,	Riley,	Winner,
Dalrymple,	Kilroy,	Robertson,	Wood, H. M.,
Denman,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry,	Woodside,
Dix,	Krise,	Rosenfeld,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Downey,	Leisey,	Royer,	Speaker.
Eckels,	Levy,	Sarge,	

NAYS—1

Ominsky,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 867, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" defining responsibilty for burial providing for separate administration by county boards of assistance of certain types of public assistance designated "general assistance and pensions" regulating the employment and dismissal of employes therefor authorizing the employment and dismissal of an executive director of general assistance and pensions changing the system of allocation of funds by the Department of Public Assistance changing the powers and duties of county boards authorizing appointment of subcommittees for certain purposes providing for immediate return to assistance rolls of persons accepting temporary employment authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment regulating the granting of assistance to aliens and the use of credit agencies changing the definition of dependent children the maximum property allowances for pensions to blind persons and the qualifications for general assistance and changing and adding to penal provisions

On the question,

Will the House agree to the bill on third reading?

Mr. LEVY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Bill, page 19, by inserting between lines 9 and 10 the following new section: "Section 5. If federal social security funds shall not be provided under the conditions of this act, then all blind persons shall receive pensions of thirty dollars ($30) per month."

Amend Sec. 5, page 19, line 10 by striking out the figure: "5" and inserting in lieu thereof "6"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. WOODSIDE. Mr. Speaker, inasmuch as there were over forty amendments considered by the House, which were offered by the other side on second reading, I object to the offering of any amendments on third reading.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO RECONSIDER VOTE

Mr. LEVY. Mr. Speaker, I move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia Mr. Levy vote on the question?

Mr. LEVY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia Mr. Thompson vote on the question?

Mr. EDWIN F. THOMPSON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. VAN ALLSBURG. Mr. Speaker, and members of the House, I do not wish to take up much of your time on House Bill No. 867. The bill was quite thoroughly discussed by the members on the other side of the House when the bill was on second reading, but I would like to take the opportunity this morning to state the main purposes of the bill, and particularly to call your attention later on to the charge that we are about to play politics and that they say this a ripper bill.

This bill is the result of many weeks, yea months of study, intensive study, by at least thirty of the leading minds of the House of Representatives and the Senate, and it also has had the cooperation of some of the leaders on the other side of the House. We are confronted with a proposition that we have got to face. We no longer can spend a hundred million dollars, approximately, per year for relief. It is a drag, yes, it threatens the very life blood of industry and business because of this huge relief load.

Friends, we are financially distressed in many ways and our school districts, for example, are suffering as the result of it. It is a problem that we must face. It is so great, so destructive to business and to enterprise, that unless we do something, at least to see to it that those who are on relief and are not entitled to it should be stricken from the rolls, and we also should enact legislation to encourage employment, because it is after all a matter of employment. That there is unmployment on a large scale there is no question, I am sure. I want to quote to you in that connection a statement that appeared recently in one of our local papers. I quote to you from the Poll of the American Institute of Public Opinion—the well known Gallop Poll which in 1936 displayed the accuracy of its observations by predicting the overwhelming victory of President Roosevelt for reelection. This report by the way is dated April 26, and the question put was this:

> "Do you think there are any persons on relief in your community who could get jobs in private industry if they tried?"

The answer is that sixty-nine per cent believe that they were able to get jobs if they tried.

The second question put to them was this:

> "In your opinion, what proportion of persons on relief in your community could obtain jobs if they tried."

The answer was that the average figure was twenty five per cent, or one reliefer in every four, they believed in every community could get jobs.

Friends, you know as well as I do, we have all been talking about this problem, and we are conscious of the fact that there are people on relief who are not worthy because of the fact that they have not accepted employment when they could get it. We also know that there are a great many on relief who are not eligible for it. In other words, they are "Chiselers." That cannot be proven, but we all know it is so. In the light, as I say, of these studies that have been made we would be derelict in our duty if we didn't see to it as a Legislature if we don't cut off from relief all persons except those who are really in need.

That was the problem before us. There is no man here, no representative who is not in favor of granting relief to people who through no fault of their own need it, and grant it adequately. Our problem is to purge the rolls of those who are not in need, those who are chiseling, and those who could get work if they wanted it. That is our problem.

I want to say, although we are accused of playing politics in the writing of this bill, with all candor, members of the Legislature, that none of us thought a thing about politics, we were trying to find the solution to this important problem. It is above politics absolutely. It is a serious matter. I believe and I know that you believe that unless we get this matter under control and confined to only those who are deserving, it will break down under its own weight, it will bring ruin not only to those who pay the bill, but there will not be relief for anybody. It is just as important to anyone who is on relief as it is to us who are paying the bill; just as important that we cooperate in confining this matter at least to those who are in need. It is a serious problem.

We have proposed, in order to cope with this situation, to endeavor to make the people in the local communities conscious of the fact that they can help in this matter. I am very happy to quote a few lines from a Democratic sheet—I thought I had it with me, but apparently I have not—this article appeared in the Johnstown Democrat and was written by our good friend on the opposite side of the House in which he heartily cooperated in the thought that this is a local proposition and we are never going to solve it until we get the local people interested in it. We would like to have the counties bear a part of the expense, and have local offices elected to the county boards on whom may be placed the blame for any maladministration of relief, and not until we do that are we really going to fully conquer this problem, but some of the counties just at the present time seem not to be in position to bear one penny of expense. We have gone as far in the direction of home rule, decentralization of relief, as possible under the circumstances. Now then how are we going to cope with this problem? We are giving the local board as now set up additional authority and power, the duties of these boards are outlined very specifically in the bill with which I think you are familiar, and friends we are doing this, we believe. I don't know what every man in this House thinks about this problem. We believe that the crux of this whole problem lies in the relative ability to get the facts by investigation of individuals as to their actual needs, as to whether they are eligible for assistance. We put that question before every group that appeared before us. Even the Department of Assistance acknowledged that undoubtedly that was the crux of the problem. As long as we have the young, immature type of high school boys and girls fresh from college, who lack experience in life, immature of mind and background, as long as we have hundreds of those in the employ of the Department of Assistance, we are not going to get results. As long as trained social workers throughout the

state can maintain relief rolls, as long, friends, as these social workers have the privilege of the merit system, civil service, how can we expect results? They naturally depend for the continuity of their jobs upon keeping the rolls up. In other words, they feed and profit on the misery of people. There is the proposition. It is perfectly natural, it is only human and I imagine I would probably be doing the same they are, if my very life's job depended upon it. I am not opposed to civil service, friends, neither are you. We are all in favor of the merit system but the trouble in this case is that it is misapplied, as I say, because they are more interested naturally, a great many of them, not all of them, they are more interested in keeping up the rolls than they are in reducing those relief rolls, therefore, friends, to apply civil service to that particular work in the counties is a misapplication of a noble principal and it will not work. It wll not work, I repeat. We have given the local boards power to employ or dismiss their employees whenever they see fit on the basis of the number of employees they need, and when those employees are not doing the job, well, they can be dismissed without any great difficulty. You know, members, it is the same as Teachers' Tenure. In government jobs it is not an easy thing to get those people out once they get in. May I say this to you in all sincerity, I believe this, if we do not look out, friends, by unionizing the different departments of government, it won't be long before we will not be able to say and think as Lincoln did when he said, "This is a government of the people, by the people, and for the people," because when these groups become the prey of selfish groups, which organize and control them to accomplish their particular ends, then they are going to gang up on us and we will have a government not of the people, by the people and for the people, but a government by and for the employees.

We have received literally thousands of protests, a lot of them coming largely from two groups, first, the Workers Alliance. Who is the Workers' Alliance? I quote from the Erie Dispatch Herald of March 27, 1939, which reads:

> "The Workers' Alliance was born of the depression. According to Earl Browder, Secretary of the Communist Party of America, the Alliance represents one of the 'popular fronts' which has the backing of the Communist Party, many of whose members are its active leaders."

Likewise, friends, the other large group, who are they? They are the C.I.O. affiliates of the state of Pennsylvania. Our own workers here in the Department of Public Assistance, they are unionized and they are affiliated with the C.I.O. So I say, we have come to a dangerous position, when we permit them to tell us what we should do in this Legislature for the people of Pennsylvania. This is a serious problem and we must face it as a serious matter. I believe we must now take the bit in our teeth and do what we should do.

The idea of establishing public assistance on a permanent basis is entirely wrong as I have tried to show you, but we were criticized. By the way, that is one of the chief features of the Goodrich plan as we have it incorporated in the present law, and as long as we have it, and as long as relief is administered on that basis as a permanent function of government, as long as we have that system, we are not going to get this matter under control.

I quote from an editorial in the Harrisburg Patriot, a paper published by Vance McCormick, a former Democratic National Chairman, which is one of the outstanding Democratic papers in Pennsylvania. The Patriot said on April 18, 1939:

> "It is quite possible that some persons are sincere in their view that permanent relief is unavoidable. There are self-centered persons who hope and pray that present conditions will never change. In this group are some who have jobs under relief and on the other side those who get relief without jobs."

This is certainly quite well put.

Speaking about politics and relief, I resent that charge. You may call it a "ripper" measure if you choose for political reasons, but that was the fartherest thought in the minds of the men who framed this bill, and this bill represents not only the work of the leading men on the Hill, as I say, but very high outstanding people all over the state.

Just one other thing that I want to say, and then I will be through. Relief seems to be exceedingly attractive; we must make it less attractive. I stepped into half a dozen stores two weeks ago.

I said to a gentleman in the shoe business: "Mr. Retailer, you find it very difficult to sell your merchandise, do you not, because styles in shoes change so often. I should think you would have a great many headaches over that."

He said, "Yes, and the biggest headache is the fact that we used to be able to sell, at the close of the season, at half price, or at a reduced price, our stock readily to poor people, but now those who are on relief want the latest word in the goods they buy."

The same way with clothing. Friends, I am pleading with you. I will first suggest to you, and then I will close, that if you were to call at the average home today of people who are not on relief, I daresay you will find all sorts of clothing that is going to waste because there is no longer a call for it. The people back home are indifferent because we are paying the bill here at Harrisburg and those goods are just going to waste. We must get back to local control in this matter.

I spoke longer than I had expected, and I thank you for your kind attention.

Mr. ACHTERMAN. Mr. Speaker, on Monday the Democratic party made a conscientious and real effort to amend House Bill 67 to the end that at least it would be an operative piece of legislation, one that would not only alleviate suffering in the Commonwealth but would be sufficiently understandable that it would be able to be operated. I realize that the ordinary procedure would be to make a motion to recommit this bill for the purpose of seeing that it really received some study, and certainly to receive such amendments that we could subsequently feel proud of the type of legislation we passed. However, since the Republican party seems to be so intent on passing this measure, regardless of its many defects, I shall not make the motion that I mentioned.

I do, Mr. Speaker, however, desire to just recount briefly what the majority party is trying to do under this bill. First of all, Mr. Speaker, they divide relief into two types, designating one as special and the other as general assistance. The reasons for making those distinctions are apparent. There is an effort to secure from the federal

government contributions toward blind pensions. Perhaps the desire is commendable, but I am very fearful, as I said on Monday evening, that we are going to place the blind in such a position that we will destroy all of the past legislation that this state feels so proud of in relation to the blind. In other words, the only excuse that I heard on Monday evening why you should do that was the fact that the Republican party, in the first instance granted blind pensions, and I presume they advance on the theory that the Republican party gave, and the Republican party will take away.

The second reason for the division is even more apparent and less commendable. The object, of course, is in order to establish two types of employees and by so doing destroy the civil service bill that was enacted in 1937, not as the gentleman has stated, because that they are opposed to civil service but for the reason that they cannot give out jobs if civil service or merit is a part of this system.

Let us see what actually happens in the districts and how you are going to work your county officers if you carry out the intent of this bill. First of all, you are going to have two executive directors in your county. In other words, each office will have two heads, and unless I miss my guess, Mr. Speaker, we will find the two heads moving in opposite directions, which will result in confusion that each man in this House can visualize. Added to that, you are going to have two types of employees in your office, you are going to have those who are under civil service, those who are secure in their positions, and you are going to have those who are going to be politically appointed, and no one for one second has any doubt that that is your intent. You must, of course, have those four thousand jobs. You are perfectly willing to wreck the system of relief in Pennsylvania as long as you have the jobs.

Let us see your excuse for doing that. You state that there are chiselers. As I recall, the gentleman from Erie stated that he knew there were chiselers but he couldn't prove it. I don't feel, Mr. Speaker, that a man should come into this House, any responsible individual, and say, "I know but I can't prove it, therefore let us have a law". I feel if such a condition does exist in Pennsylvania, it is susceptible of proof, and once it is proven, then and only then should we move. Certainly the bills that were passed in 1937 contained sufficient remedies, sufficient methods and sufficient penalties to destroy and effectually punish chiselers.

The gentleman from Erie, Mr. Van Allsburg stated, I believe in the theory that this is a local problem. I can agree in part with that theory, but not in its entirety. Unemployment and the consequent relief problem is not solely a local problem, it is not the result essentially of local conditions, but rather nation wide and world wide conditions. As a consequence the problem becomes state wide and nationally wide and should consequently be treated and acted upon by the state, the nation, and the local communities. I can agree with the gentleman to the end that local officials should be given power so that they can work toward the effective operation of legislation pertaining to relief, but I connot agree with the gentleman in the position that we should make it one of politics. I cannot help but recall the campaign pledges and the campaign statements of Arthur James when he went before the people of the Commonwealth of Pennsylvania and said that when he became Governor there would be instituted the greatest divorce case in Pennsylvania, the divorce of relief from politics.

I realize, Mr. Speaker, that the Secretary of the Department of Public Assistance has maintained that the Governor of the state of Pennsylvania does not want relief tampered with in Pennsylvania, but that, Mr. Speaker, is quite obviously only a smoke screen.

Here is what the Governor of Pennsylvania wants: He wants to go back on that promise of his, just another broken promise. How can you conceive, Mr. Speaker, of politics not being involved in a measure such as this, when he says, "Yes, we will name the local board and we will take four thousand employes and hand them to the local boards." If there had been a bit of sincerity in the thought of the majority party, then one of the amendments that I offered on Monday evening would have been adopted, the amendment that would have seen to it that the members of the board would be elected by the local citizens. Then the individuals back home would at least have control and to a measure you would eliminate politics.

I made, Mr. Speaker, another proposition to the majority members of the House. I said to them, "If you are serious about taking politics out of relief, then let us elect back home for the local board either two individuals or four individuals and see that no majority of individuals come from any party. In other words, if two there would be one from the majority party and one from the minority party. That is bi-partisan control and is as near as you or I could get to a non-partisan administration of relief. Mr. Speaker, it is obvious and certain that there is no desire on the part of the majority party of this House or their Governor to take politics out of relief. They are going even further, they are insisting on putting more politics in relief. They are not satisfied to conduct examinations for their employes, they wish to appoint them for the purpose of being assured that politics will be in relief.

Let us take another step in the things they propose to do in this bill. They propose to see that the recipients of relief shall work. I don't believe any member of this House is opposed to permitting individuals to work for the money they receive, but why in the world didn't you put into the bill that that work should be on the basis in relation to the prevailing wage scale in the county. Do you propose to make slave labor out of the recipients of relief? Are you going to leave your county boards make slaves of the relief recipients? Are you going to leave your appointive boards make slaves of the relief recipients? What other conclusion, Mr. Speaker, can we draw from this bill?

So on down. Mr. Speaker, I can comment on one hundred different phases of this bill but may I instead, Mr. Speaker, read into the records some of the comments of the press in relation to this bill? Here is one comment:

> "The Republican majority in the Legislature evidently has made up its mind to ignore all protests and rip out the civil service system that now protects the employes of the Public Assistance Department.
>
> "The Van Allsburg bill, which will take 4000 jobs out of the civil service class, has come out of committee and is in a position for final passage. All indications are that the Republican bloc in the House will be solidly behind it.
>
> "Thus, another major plank in the Republican state platform of 1938 is about to be tossed out of the window. And from his statements, the platform-scrapping

evidently is being done with the tacit approval of Governor Arthur H. James."

I go, Mr. Speaker, a step further and I say, not only with the tacit approval, but with the blessing of the Governor. The article then goes on and states as follows:

"Although Mr. James raised his hands in horror last fall over the patronage-grabbing activities of the Democats, he now apparently sees nothing wrong in a Republican grab that in size surpasses anything the Democrats ever attempted. Moreover, he seems to have conveniently forgotten his pre-election statement of last fall when he announced that upon inauguration he intended to file the 'largest divorce suit ever filed in Pennsylvania, a divorce between politics and relief.' This is a divorce suit all right, but between civil service and relief.

"There are no valid arguments that can be offered in defense of the Van Allsburg bill. It is simply a gigantic ripper. And its only purpose is to give 4000 relief administrative jobs, jobs that by their very nature calls for skilled and trained personnel, to 'deserving' Republicans. The politicians simply are endeavoring to build up a formidable political machine at the public's expense.

"The politicans responsible for the Van Allsburg bill probably are congratulating themselves for having thought of this wholesale patronage grab. Actually, they have only demonstrated their own lack of political foresight by trying to ram such measures as this down the public's throat.

"For political victories in Pennsylvania are no longer made possible by powerful machines build upon payrollers. If they were, the Democrats, whose patronage last fall far exceeded that of the present Republican regime, should have won in a walk.

"That they didn't is a warning to the Republicans that Pennsylvania voters base their decisions upon performance in office, not upon how much patronage is handed out and that all the patronage in the world can't save a bad administration. Unfortunately, Governor James and the Republican legislators do not seem inclined to heed that warning."

May I read into the record the comment of the Press from the opposite side of the State from that I last read. It says: "The Worst Relief Bill Ever."

I am in hearty accord with that statement, Mr. Speaker, I feel that we were infinitey bad when we passed the Goodrich bill in 1937. No one has any doubt as to my position on that bill in 1937. I felt that we could not do worse than that then. Very frankly, Mr. Speaker, this out-does the Goodrich bill. Now, quoting further from the Press:

"Before election, the Republican party promised to "humanize relief" and "take relief out of politics."

The Republic organization is ramming through the Legislature the Van Allsburg bill which—

1. Requires applicants for blind pensions to take a "means test."

2. Throws administration of relief into the hands of county boards in spite of (or perhaps because of) the fact that every survey ever made has shown that the more emphasis is placed on local control the more deeply politics enters into relief.

3. Rips out the jobs of 4000 employes now protected from political pressure by Civil Service and replaces them with 4000 employes who will not be protected by Civil Service.

If the authors of this bill had set out frankly to put relief into politics as far as possible—they would have emerged with just about the present bill.

The Van Allsburg bill is supposed to have the quiet approval of Governor James. If that is true, how can the Governor square his stand with his campaign promise—

"Under me as Governor the people of Pennsylvania will never see the day when if they need relief or bread and butter (W. P. A. jobs) they will have to turn to political slavery."

Under the Van Allsburg bill, much of the administrative power will be concentrated in the county boards subject to the pressure of county politics. We shudder to think what that will mean here in Philadelphia.

Every Republican division committeeman will assume the power to give or withhold the necessities of life from the needy. These county assistance boards will have no practical check upon them, except the staff of 400 State employes, who—unprotected by civil service—will be open to exactly the same sort of pressure as will operate upon the county boards.

The bill contains other provisions designed to bring out to the fullest the worst features of the political setup outlined above.

It contains a provision that relief recipients must work if required to do so by the State.

That looks like a provision to "kick the loafers off relief." But is it?

What are these work projects the State intends to establish?

We have heard of none. There has been no recognition in the budget estimates or elsewhere that work relief will necessarily cost more than home relief and extra appropriation must be made for it.

The only real purpose of the no-work-no-dole provision would be to allow political boards an excuse for refusing relief. They could tell unemployed clerks or unemployed women to go to work on the highways or get off the relief rolls.

The Van Allsburg bill is the worst relief measure ever seriously proposed in the United States.

Does the rank-and-file of the Republican party stand behind this barefaced attempt to play politics with human misery?"

I can give my whole-hearted approval, Mr. Speaker, to that editorial. I can say honestly, sincerely and truthfully that this bill is far worse than the Goodrich bill which we passed in 1937. Mr. Speaker, I appeal to the members of the House not to take this step, and vote against this bill.

Mr. LEVY. Mr. Speaker and members of the House, I recall very distinctly about two weeks ago we had before the House a bill called the fireworks bill. At that time, if my memory serves me correctly, a member on the Republican side of the House on third reading of that bill attempted to place before the House an amendment. Apparently the Republican party, unlike the Speaker of this House, felt that the fireworks bill was far more important than the Van Allsburg bill on relief, because at that time Mr. Trout of Lancaster was permitted to introduce an amendment, and today on third reading of this bill I was denied that right. So Mr. Speaker, I want to take the time of this House to explain to them exactly the purpose I had in mind.

If the gentlemen of the House will recall, on Monday evening when this bill was up for second reading, I read into the record a telegram that the Governor of Pennsylvania had sent to the blind of Pennsylvania concerning his attitude on blind pensions. I think, for emphasis, it would be proper for me to read it into the record once again for the purpose of following it up with a letter sent to a gentleman in Philadelphia from the Governor's office only five days ago. That telegram, ladies and gentlemen of the House, sent in October, 1938, by Arthur H. James, reads as follows:

"When I announced my candidacy for Governor last January, I stated that 'we must have adequate pensions for the blind.' That I mean. The pensions must

be adequate; they must be certain. Further, there must be a complete divorce of this form of assistance from any kind of political influence, racketeering or control. The blind of this state have my earnest pledge that as Governor I will safeguard their interest to the full extent of my ability. There is a chapter in my life which makes my interest in the problems and assistance of the blind very deep indeed. About ten years ago my own eyes failed me. In my case, as the result of the fortunate outcome of a delicate and uncertain operation, my sight was saved. But no one who passed through the valley of darkness as I did will ever forget his fellowship with those who must spend their lives in that valley."

Members of the House, on April 26, 1939, the Governor's secretary, in a communication to a gentleman in Philadelphia, had this to say concerning his promise regarding the blind:

"Thank you for your letter of April 24th and for the helpful comments and suggestions contained in it.

"Governor James' position on the blind question has been misunderstood in some quarters, and many of the letters which came to him do not meet the actual issues of the question. The Governor has not favored any change i nthe blind pension setup which would mean a reduction to any blind person now qualified for a pension. Whether on relief or pension, they would receive at least thirty dollars a month. Neither is there any thought of changing the conditions under which this Thirty Dollars is to be received.

"On the other hand, since the Federal Government has set aside a large sum of money to help support blind persons who could qualify for relief on a needs basis, and further, since the fiscal needs of this state are most urgent, the Governor has suggested that an attempt be made to amend the Pennsylvania blind pension laws to qualify for obtaining the Commonwealth's share of this money. This in no way affects the right of every blind person to receive thirty dollars a month. In some cases, of course, it means that certain blind individuals would receive more—those entitled to more on a relief basis than they now receive on a pension basis."

Ladies and gentlemen of the House we have on the one hand a telegram of October 1938, and on the other hand we have a communication from the Governor relating to his stand on taxes as of April 26, 1939. I charge today that the Governor of the Commonwealth of Pennsylvania and the Republican leadership of this House have not kept their promise to the blind. We have in support of that a written record.

Ladies and gentlemen of the House, most likely many of us will be surprised at the introduction of this Van Allsbur_ bill to the House. I for one am not, because as far back as April 1st, 1939 the Department of Public Assistance under the direction of the Governor of the Commonwealth announced that beginning on that day a relief applicant will have to sign a bond which permits the state to levy on any property he has now or may acquire until enough has been sold to pay back to the state every penny advanced on relief. Ladies and gentlemen of the House we have nothing on this side of the House, but contempt for relief chiselers. If the purpose of the proposed bond were merely to keep chiselers in Pennsylvania off the relef rolls I for one would not object to this policy, but this bond scheme, ladies and gentlemen of the House, is something else. It is in reality a pauper's oath. It is as one of the newspapers has described it, one of the most degrading propositions ever made to the unfortunate people of Pennsylvania. Worse, it is a proposal which makes the dole about twice as humiliating as ti is now, at the same time it destroys, not encourages, as Mr. Van Allsburg pointed out, every incentive, which the members of the legislature have tried to install by this bill, of the people on relief to improve their lot and secure employment. What benefit under this policy of signing your future heritage away have the unemployed of Pennsylvania; what incentive to go out and find a job for fifteen or sixteen dollars a week, when the state Department of Public Assistance now demands that immediately after they earn one week's salary they must turn back as much as they can to the Department of Public Assistance in repayment of the relief benefits which they obtained some three or four years ago. It is pointed out that the relief clients who receive money from any source at a later date would certainly be compelled to repay the state every penny of relief they have received under the confession of judgment clause in this bond. Now, ladies and gentlemen of the House, in other words this great idea of humanized relief as promised by Governor James, did not crumble at the introduction of the Van Allsburg bill, it began to crumble as far back as the beginning of last month when Governor James and his Republican Secretary of the Department of Public Assistance compelled each and every applicant for relief to sign a bond, compelling them to repay every penny that they received on relief, if they earn any money in the future.

My friends, the people of Philadelphia especially are concerned with the problem of relief because on the one hand we have a City Council which has tied up one million dollars as an allotment for WPA jobs, and on the other hand we have a state department that denies today the right to every unemployed man and woman to come into the relief offices of the Commonwealth of Pennsylvania, and out of respect and pride for their families attempt to make out an application for relief. I have the greatest respect for Mr. Van Allsburg. I was a member of the legislature with him in the 1937 session, and I for one feel when he makes a statement, he has the courage of his conviction to so do, he believes in what he says, but I regret to say that the statements made by the gentleman from Erie are far from the truth. Maybe these thirty genuises on relief that drafted this Van Allsburg's bill did not know the relief problem in Pennsylvania. Mr. Van Allsburg says that the reason the Republican party is ripping out four thousand social service workers is because they feel the social service workers in attempting to maintain their jobs are raising the relief rolls. I wonder after the Republican party rips out the Department of Public assistance, as it is constituted today, and according to the Van Allsburg's bill permits the Governor to fire at random executive director of the Commonwealth, which he has already done, and then place on the executive Board in the counties men who are politically active in Pennsylvania and then goes down the line and rips out the socially trained workers and replaces them with Republican workers and Republican Committeemen, I wonder how many Republican Committeemen working as social service workers will attend to their jobs and not permit the relife rolls to go up when they know that their jobs solely depend upon the maintenance of high relief rolls in Pennsylvania.

In other words, the gentleman from Erie, and I want to

be frank, says this: "We are going to rip out social service workers and replace them with Republican loyal committeemen. They are going to see that the relief job in Pennsylvania is properly administered." I say to Mr. Van Allsburg, in the same breath, when he mentions the name of Abraham Lincoln, he should study the life of Abraham Lincoln. I wonder if Abraham Lincoln would agree to a proposition so disgraceful as that proposed by the Republican members. Then again Mr. Van Allsburg, as was the wont of the Republican party in the past, pulls across the trail the red herring of Communism. He has stated that the only people that are against the Van Allsburg bill are the Worker's Alliance in the Commonwealth of Pennsylvania, who, as he said, Earle Browder, the Secretary of the Communist party, claims was born out of the depression. I say to Mr. Van Allsburg, if he insists on this type of argument, if the Republican organization insists upon passing legislation of this kind, we are not going to have 200,000 Communists in America, we are going to have them by the million, because the first thing that changes any American from his principles of government is starvation. That is the groundwork on which Communism, Fascisism, Nazism or any other "isms" on which European dictatorship thrives, and I charge the Republican organization by this bill with attempting to starve out millions of people in Pennsylvania.

Mr. Speaker and members of the House, my colleague from Monroe has said before, we can speak for hours on this bill, but the bill is so entirely defective and dangerouse that it would be useless to attempt to change the minds of the people on the other side of the House, when the orders have gone down that the Van Allsburg bill must pass. I only trust to God, for the welfare of the citizens of Pennsylvania, that the other chamber of this Assembly will see to it that this bill will be torn and burned.

Mr. Speaker and members of the House, in the Governor's deceptive attitude concerning the blind of Pennsylvania he also, in his acquiescence to the Van Allsburg bill, deceived thousands of people now receiving old age assistance. I wonder if there is any member in this House who knows that this bill also restricts certain people that would have received old age assistance this year. I wonder if the Republican leadership realized that when they inserted in this bill the provisions that a person applying for old age assistance must be a resident in Pennsylvania, must live in Pennsylvania at one address for two years, instead of the actual one year under the 1937 act, they are going to deprive hundreds of old age applicants who might have received old age assistance in the year 1939. I wonder what impels the Republican organization in Pennsylvania to pass a piece of legislation of this type. I have often wondered, since reading the bill, since its introduction, whether the only purpose was to secure four thousand jobs and rip out four thousand civil service jobs, and I have come to the conclusion that that cannot be the only reason, because the heaps of criticism that will be levelled at the Republican organization, I feel is such that the Republican organization would not attempt to pass this bill for that one reason. I believe that the reason is two-fold. Governor James promised a reduction in taxes. He could not reduce taxes, and he knew it at the time of his campaign. On the other hand, is he attempting to take bread and butter from the unemployed of Pennsylvania so that he might say to his banker and industrialist friends that he is cutting down the expenses of the government. Where naturally would he come to to cut down these expenses than to a Department that will spend during the next biennium, according to statistics, over two hundred million dollars. Certainly he is going to take it from the unemployed and the unfortunate reliefer in Pennsylvania.

Mr. Speaker and members of the House, I only want to say in closing that I realize that many pieces of legislation have been passed in this House, and on both sides of the Legislature from time to time they have been guilty of certain acts that caused their own downfall. I say to the Republican membership of this House, and I say to Governor James, that if the Van Allsburg bill passes Governor James and the Republican organization stands condemned before the people of Pennsylvania.

Mr. TRONZO. Mr. Speaker and members of the House, for purposes of clarifying the record, when the Van Allsburg Bill, to make jobs for faithful Republican district workers, was conceived, the Democratic members of the Committee on Welfare were not present—the select Republican members of the Committee met in secret, (a usual procedure under this Republican administration) and when the Democrats were finally notified to attend a meeting of the Committee, the "Job-Grab" Van Allsburg Bill was ready for presentation. Some of us Committee members feel that maybe we were kept out because you wanted to dish out some of the spoils—so. this very day, as we discuss the demerits of this ugly and brutal job-grab, many of you Republican House members may be "licking your chops" in anticipation of some juicy morsel that the enactment of this measure will place within your reach. Or is Governor James trying to ride into the White House on the backs of people who are physically and financially handicapped.

I know something about the promises you on the Republican side of the House made. You promised jobs to every Tom, Mary and Moe—and you did it because you didn't anticipate winning—yes, I surmise that you decided, that if you weren't going to win, 1000 promises would be as good as one. Since you are now so hardpressed to keep those promises you have made, you are going to junk the merit system in the Department of Public Assistance—you're going to rip out the best civil service setup this State has ever had the good fortune to establish. The merit system in the D. P. A. is not perfect, but it certainly is a step forward.

The creation of this department has worked some injustices, true enough, but sizing it up, not from the point of view of an elected public official, but strictly as a citizen, it has been a godsend to the citizens of Pennsylvania—and the greatest tribute that can be paid the merit system section in the Department of Public Assistance, is, that the politicians of both major parties, the stupid ones of course, are opposed to it. Of course, the smart or intelligent Republican politicians should be for the system. as it now exists, because there are only 4000 jobs involved for political distribution, to the Republican District heelers throughout the State—and all of these 4000 can not get the political ax. You will have to keep many of them in order to do the work of the political drones that you're going to place on the D. P. A. payroll; but even if you were to dismiss all of them, you made so many promises, that even if the number were 40,000, you would still need

another 140,000 to satisfy the rest of the patronage seekers who were promised (plums).

Did it ever occur to those of you who are so intent on this plunder as to what will happen to the recipients of relief, under a Ward Chairman setup? Aren't they miserable enough now with the small pittance that is dished out to them by a reluctant State Administration? Why should these poor unfortunates, who have been shelved, temporarily, I hope, by industry, and who have undergone all of the insults and miseries that any people could possibly undergo, be forced to sink to an even lower level, and bow to the whims of some Joe Bloak, the Assistant to the Assistant of the Republican District Chairman? Need I, my Republican House members, go further in dissuading you from breaking those promises you shouldn't have made?

If my memory serves me well, on one other occasion I informed you that neither jobs nor broken promises were going to maintain your party in power; for you now have an intelligent electorate to contend with, and it vehemently objects to broken pledges, and is on record in its opposition to the spoil system. The electorate demands, and has a right to expect a decent and intelligent personnel—and though you might be successful in ripping out the civil service provisions in the Department of Public Assistance, this base action will haunt you in your slumbers, and will return to torment you at the next election; as a matter of fact, you will find, much to your chagrin that a political party whose only function is to exploit the spoils system, for existance, won't remain in power for long—and I'll venture a prophesy right here and now—to those of you who are going to vote for this brazen "Van Allsburg job-grab" ripper bill, you are only going to serve two terms—your first and your last—

Mr. DIX. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Levy.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEVY. I shall, Mr. Speaker.

Mr. DIX. Mr. Speaker, may I ask the gentleman from Philadelphia, Mr. Levy, what he knows about the administration of relief.

Mr. LEVY. Mr. Speaker, in answer to the gentleman, I would say that is a very broad question and a very important one. I do not know what to say to the gentleman beside the fact that during my term as a member of the House in 1937, in the special session of 1938 and at the present time I have taken a very active interest in relief problems, especially because I come from a district that is frightfully affected by any bill relating to relief.

Mr. DIX. Mr. Speaker, may I ask the gentleman from Philadelphia how many persons there are on relief in Philadelphia at the present time.

Mr. LEVY. Mr. Speaker, we have in Philadelphia approximately—

Mr. DIX. Mr. Speaker, I would ask the gentleman to make a guess if he cannot tell us exactly.

Mr. LEVY. Mr. Speaker, does the gentleman mean how many people in my district are on relief?

Mr. DIX. Mr. Speaker, no, how many people in Philadelphia do they have on relief?

Mr. LEVY. Mr. Speaker, I would not be in a position to say regarding the entire city, but I could make an intelligent answer in regard to my district. I have been informed by the last bulletin of the Department that we have approximately over half a million on relief.

Mr. DIX. Mr. Speaker, how much money is spent in Philadelphia on relief annually?

Mr. LEVY. Mr. Speaker, the money spent in Philadelphia at the present time is approximately six hundred thousand dollars per week.

Mr. DIX. Mr. Speaker, does the gentleman know how much the case costs are, what is the average case cost in Philadelphia?

Mr. LEVY. Mr. Speaker, if the gentleman would know the problem of relief in Pennsylvania he would not ask me a question of that kind.

Mr. DIX. Mr. Speaker, the gentleman from Philadelphia has been talking about the administration of relief and I wanted to know whether he knew anything about the situation in Philadelphia.

Mr. LEVY. Mr. Speaker, if the gentleman on the other side would know the relief situation in Pennsylvania he would know that the basic cost is not considered in individual cases but is set by the Legislature, and we get a percentage of the gross appropriations per biennium.

Mr. DIX. Mr. Speaker, it seems to me if he does not know the situation in his own home town, he should not talk on the administration of relief.

Mr. LEVY. Mr. Speaker, the gentleman said what?

Mr. DIX. Mr. Speaker, I think that the gentleman from Philadelphia should not talk on the administration of relief and accuse the Republicans of putting up a terrible relief bill if he is not acquainted with the relief situation in his own home city.

Mr. LEVY. Mr. Speaker, I might say to the gentleman, as far as his questions are concerned, I think I have answered them fairly. Does the gentleman wish to ask any more questions?

Mr. DIX. Yes, Mr. Speaker, I would like to ask another question. Who passed the law that provided for liens against property in order to get relief?

Mr. LEVY. Mr. Speaker, I think the question of the gentleman was answered in full, in the Goodrich Bill of 1937, but to my recollection, in my remarks on the subject of the Van Allsburg bill, I did not refer to that phase of the bill, but referred to the policy pursued by the Department of Public Assistance in Harrisburg on April 1, 1939 under the direction of Governor Arthur H. James, compelling each relief applicant to sign a bond, containing a confession of judgment. That policy was not instituted in any year of the Earle administration.

Mr. DIX. Mr. Speaker, was that law not on the books during the Earle administration?

Mr. LEVY. Mr. Speaker, yes.

Mr. DIX. Mr. Speaker, why did they not enforce it?

Mr. LEVY. Mr. Speaker, because that particular Governor in his wisdom on relief matters felt that the inclusion of this feature of the Goodrich Bill was a burden on the relief recipients in Pennsylvania, and had inferred to the secretary of the Department of Public Assistance from time to time that the enforcement of this feature of the bill would prove entirely too burdensome upon the tax payers and upon the relief recipients.

Mr. DIX. Mr. Speaker, in other words, Governor Earle did not enforce his own law.

Mr. LEVY. Mr. Speaker, I did not say that. I only say what I said before, that Governor Earle, in his wisdom and humaneness, felt that that portion of the bill should not be enforced to the letter of the law, because of the fact that it would bring entirely too much of a hardship upon relief recipients.

Mr. DIX. Mr. Speaker, I understood the gentleman to say that there was politics in the setting up of the present board. Does the gentleman mean to say that there was not politics in the setting up of the old board?

Mr. LEVY. Mr. Speaker, I reiterate, in the entire Commonwealth of Pennsylvania, under the Goodrich law, and the Republican members may snear and snicker and laugh, but I charge each Republican member with bringing before this House one instance where the control of relief was based on politics in any of the sixty-seven counties of the Commonwealth.

Mr. DIX. Mr. Speaker, the gentleman did not answer my question, was there any politics in the political set up of the relief board under the Earle Administration?

Mr. LEVY. Mr. Speaker, there were positively no politics, to my knowledge, and if the gentleman is referring to WPA work, he is not adherring to the original bill.

Mr. DIX. Mr. Speaker, the gentleman from Philadelphia, of course knows that the majority of the boards were Democratic boards and they were selected very largely for their political activities, at least they were in my county, and I think you will find it true in other counties.

Mr. LEVY. Mr. Speaker, in answer to the gentleman, you men and women know that I come from Philadelphia, and speaking on the relief measures should know something about the Philadelphia branch of the relief system. I say to him in conformity with his request that I am not familiar with other boards within the Commonwealth, but I know that the board in Philadelphia appointed by Governor Earle was one of the finest non-partisan relief boards in the United States, and I might further tell the gentleman that the chairman of that board was one Mr. Staples, the president of the Bell Telephone Company, who I must admit is not a Democrat. In Allegheny County, Mr. Speaker, the majority of the members of the board, I understand from the Republican delegation from Allegheny County, were in the majority Republicans and not Democratic.

Mr. DIX. Mr. Speaker, I think it is very evident from the remarks of the gentleman from Philadelphia that he knows little about the relief situation in Philadelphia?

Mr. Speaker and members of the House, I have in my hand a statement made by Robert L. Johnson Relief Administrator under Governor Earle. This statement was made on April 26, 1935. I understand one of the previous speakers on the Democratic side of the House said there were no chislers, at least if there were, they were very few.

I would like to read this statement:

"As to chiselers—in every group of one thousand families, some folks will lie and defraud."

"We want to know who the chiselers are. We want to land every head of a family, who is deliberately defrauding the State, in jail. That is where he belongs. I have no patience with anyone who would take any money under false pretenses under any circumstances, and our county staffs know that every deliberate case of chiseling is to be prosecuted at the earliset possible moment. There is only one sure way of eliminating the cheaters, and that is—sound, intelligent investigation, backed up by the support and help of interested citizens in each locality."

Now, Mr. Speaker, that statement was made in 1935. As I said that there was no effort made to find these chiselers until the Republican party was elected in November of 1938. I would like to read another statement from a very prominent Democrat which I think will be interesting. This was sent to me back in November. At that time I did not know the gentleman. This statement goes on to say:

> "No party can maintain a relief system by administering the Goodrich Act in its present form and survive very many state elections.
>
> "When the Goodrich Act was pending in the Legislature the Democrats said the measure, if enacted, plus the social workers, would lick the party. Our prediction came true. Moreover, the social workers, if given their head, will lick the Republican Party. They will lick any party upon whose shoulders they ride."

Mr. Speaker and members of the House, I will read another extract from this editorial:

> "Taken by and large, the Goodrich Act licked the Democratic Party. It will lick the Republicans if they stick to it tight enough. Common sense—political common sense at least—calls for the decentralization of relief activities. No Administration is ever strong enough to shoulder all of the mistakes a statewide relief organization is certain to make. Responsibility for the supervision of relief activities should once again be vested in county organizations. Centralized relief under state auspices licked Gifford Pinchot, it licked George Earle and it will lick Arthur James. Mark the prediction."

Mr. Speaker, this statement was made by none other than my good friend from Cambria County, Mr. Andrews. It appeared in the Johnstown Democrat.

I would like to give a little picture of the situation in the rural counties and what happened to relief. Back in 1933 the cost of administering relief was one hundred fifty dollars per month. Today it is three hundred dollars per month. In the first year of the administration of the Talbot Act the cost of administration of relief in Wayne county was approximately five thousand dollars. Today it is forty thousand dollars for the county and probably ten thousand dollars for the administration of the Wayne County end of relief from Harrisburg. I do believe that the Van Allsburg bill is a start in the right direction, and the relief situation will never be completely cured until the cost of administration are paid by the county and at least a portion of the actual cost of relief and municipalities. It is my firm opinion that the relief situation will never grow very much better until the burden is brought back so that those in the counties where relief is received will feel it in their pockets and will know that it is being paid out of their pockets instead of out of Harrisburg or Washington.

Mr. LEVY. Mr. Speaker, I would like to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I will, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I would like to ask the gentle-

man from Wayne whether or not the gentleman comes from a smaller county than Philadelphia?

Mr. DIX. Mr. Speaker, yes I come from a smaller county but a better one.

Mr. LEVY. Mr. Speaker, I thank the gentleman and I in part agree with him. Will the gentleman from Wayne inform me as to the population of his county at the present time?

Mr. DIX. Mr. Speaker, approximately twenty-eight thousand.

Mr. LEVY. Mr. Speaker, does the gentleman from Wayne know what the Department of Public Assistance is spending for relief in his county?

Mr. DIX. Mr. Speaker, does the gentleman mean the total amount?

Mr. LEVY. Yes, Mr. Speaker.

Mr. DIX Mr. Speaker, it will run around twelve to fifteen thousand dollars. It depends on the month, but it will run anywhere from five to twelve thousand dollars a month.

Mr. LEVY. Mr. Speaker, would the gentleman not say that they are spending more than that amount?

Mr. DIX. Mr. Speaker, they might be on the basis of January and February but over a period of two or three year it will run from five to twelve thousand dollars.

Mr. LEVY. Mr. Speaker. the gentleman from Wayne quoted from a statement of a certain gentleman, a former director of relief in Pennsylvania. Does the gentleman from Wayne know the party affiliation of that gentleman?

Mr. DIX. Mr. Speaker, I do not. The gentleman said there were no politics in relief.

Mr. LEVY. Mr. Speaker, I repeat, the gentleman quoted from the statement of a gentleman who was formerly secretary of relief in Pennsylvania.

Mr. DIX. Yes, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I ask the gentleman from Wayne since he is familiar with that article, what is the gentleman's party affiliation?

Mr. DIX. Mr. Speaker, I am not sure, but I understand he was appointed by Governor Earle. Does the gentleman from Philadelphia know the politics of the present secretary of Assistance?

Mr. LEVY. Mr. Speaker, I might say to the membership of the House, Mr. Johnson, was a registered Republican. I might ask Mr. Dix the following question: Does he known whether or not the Department of Public Assistance was formerly under the leadership of Mr. Johnson as head of Assistance at that time?

Mr. DIX. Mr. Speaker, I could not say whether it was formerly under the leadership of Mr. Johnson or not. Relief started back in the early thirties under the Talbot Act. It has been growing and growing until at the present time it has gotten up so high that the taxpayers cannot stand it any longer, and we are here as Republicans to see if we cannot do something about it.

Mr. LEVY. Mr. Speaker, I would like to ask the gentleman from Wayne this question, does he know the first director of Public Assistance that was created under the Department appointed by Governor Earle?

Mr. DIX. No. I do not, Mr. Speaker. Who was he?

Mr. LEVY. Mr. Speaker, does the gentleman from Wayne know the second secretary of Public Assistance?

Mr. DIX. No, I do not. I cannot recall.

Mr. LEVY. The gentleman does not know the first secretary of Public Assistance?

Mr. DIX. No, Mr. Speaker.

Mr. LEVY. Does the gentleman know the second secretary of Public Assistance?

Mr. DIX. No, I do not. I cannot recall.

The SPEAKER. The Chair feels that this is getting to be sort of a "Professor Quiz." The Chair feels that we are going rather far afield and that the gentlemen should concern themselves to questions of matters pertaining to the bill.

Mr. LEVY. Mr. Speaker, I thank the gentleman from Wayne. I desire to make a very brief statement.

Mr. DIX. I would like to make one statement before the gentleman from Philadelphia makes a statement.

The SPEAKER. The Chair is unable to determine.

Mr. DIX. Will the gentleman from Philadelphia yield?

Mr. LEVY. I yield to the gentleman from Wayne, Mr. Speaker.

Mr. DIX. Mr. Speaker and members of the House, the gentleman from Philadelphia evidently did not know much about the administration of relief, but while I was talking he went out and consulted some of the so-called authorities and brought back a lot of questions that he did not even know himself. Then he asked me those questions which naturally I could not answer.

Mr. LEVY Mr. Speaker and members of the House in view of the fact that I have been accused of not knowing much about the subject of relief and perhaps the gentleman from Wayne is correct I want to submit to the House that the gentlemen knows very much about relief, but he does not know some of the problems that confronted the Commonwealth prior to the institution of the Department of Public Assistance. In fact, on interrogation he leads us to believe that he did not know the secretary at the time the Department was instituted. I only want to bring to the attention of the House that in Philadelphia we are very vitally concerned with the problem, because as per the report of the Department for the week of April 22, 1939, we had a reported net expenditure for assistance grants amounting to $591,594.08. I might say in my stand on this subject the only reason I differ with the gentleman from Wayne is because his county spends not fifty thousand dollars. but approximately twenty-two thousand dollars. Therefore, Mr. Speaker and members of the House, of course the gentleman from Wayne and I would disagree on certain policies regarding this service.

Mr. ANDREWS. Mr. Speaker and members of the House, for ten years or thereabouts, the people interested in good government have been conducting a running fight with trained social workers, and the trained social workers have mostly won. There is a possibility, a fortunate possibility that today, with the passage of the Van Allsburg bill, those interested in good government may be able to take those trained social workers and pin their ears back, and that will be a glorious achievement, Mr. Speaker.

Mrs. FAUSET. Mr. Speaker and members of the House, I find myself in such fundamental opposition to one statement that the gentleman from Erie, Mr. Van Allsburg, made that I feel absolutely under compulsion to say a word or two about that statement.

Mr. Van Allsburg said that we should make relief less attractive. It happens, Mr. Speaker, that here in our Commonwealth, as in other parts of our country, because of

the economic situation with which we are faced, there are thousands of people who can never hope in their lifetime to think of being employed for a wage. They, therefore, are compelled to look to relief as means for their subsistence for the rest of their lives. It seems to me, Mr. Speaker, under those circumstances the condition of those persons should be safeguarded by having very well trained workers, not necessarily workers who have just been described by Mr. Andrews, but workers who understand human nature, to such an extent that they can throw around the condition of those people who must in their lifetime look to relief as the only means of subsistence; throw around those persons the impersonal, dignified setup, which will permit them to live with a certain dignity, which I believe is the right of all human beings. Unless we can do that, through whatever means we are setting up in this state of ours, I feel we are depriving those people of a fundamental privilege.

Mr. Speaker and members of the House, I am speaking out of my own experience with large numbers of these people who must have relief. Proof of what I am saying can be seen in the situation in Philadelphia, where there is a group of people who comprise perhaps one-eighth or one-tenth of our population, and approximately fifty per cent of the relief population. Certainly these people should be granted all the safeguards of which we are capable with regard to their personal lives, and it is for that reason that I feel we should have the best qualified people only to take care of their condition.

I believe also, in connection with the workers of whom Mr. Van Allsburg spoke, that it is only fair and right in these days for us to think in terms of organization on the part of the workers of this Commonwealth, on whatever level they find themselves. I am heartily in accord with the statement that we should not suffer from undue pressure from any organized group. I think on the other hand we are beginning to realize that the only way in which workers can maintain a liberal and progressive outlook on life is to be organized, and to study those facts in their lives, not only in Philadelphia but throughout this country and throughout the world, which will make them most efficient in connection with their jobs and as human beings.

I feel, Mr. Speaker, if the Van Allsburg bill as a whole, is based upon the same philosophy which makes the gentleman from Erie state that we should make relief less attractive, which would condemn certain people here in our Commonwealth to a very much lower existence of life than they could have otherwise, that there are some of us, if this is the philosophy upon which the whole bill is based, who will be compelled to vote against the bill.

Mr. HARKINS. Mr. Speaker and members of the House, it seems to me that as we sit here and discuss and listen to this question of politics in relief, we are all agreed that politics should not in any way enter into the distribution of direct relief, which is the subject for discussion this afternoon, and which is the subject to be dealt with in the Van Allsburg bill.

Mr. Speaker and members of the House, those of us who were here in 1935 will well remember that the House, then controlled by the Democratic party, had a number of investigations of relief boards, which I think were sponsored with the hope perhaps of ascertaining that the relief boards of that time were politically controlled. It seems to me, as we recall the results of those various investigations, that those investigations, while they did turn up various defects in the system of administration of relief, as it then existed, did not turn up the fact that there were many incidents where politics entered into the distribution of relief at that time.

I say to you, Mr. Speaker, and members of the House, that the results of those investigations were beneficial in so far as we found out defects in our procedure, and were able to pass remedial laws which I believe by their enforcement have decreased considerably the amount of chiseling in the matter of relief.

Mr. Speaker, and members of the House, as I see this problem, it is probably true that politics does enter into relief, and enters into relief in three possible ways, and from three possible sources. The first is in the particular political philosophy of the particular governmental administration here at Harrisburg in control. In other words, political philosophy on relief will be tainted to a certain extent, with the politics, with the political thinking, with the political philosophy of the particular party in control. That will govern to some extent the selection of the director of the Department of Public Assistance.

Then again politics may enter into the question in the action of the political organization of workers which I think we spoke about when we spoke about the social workers problem, although I do not believe that the social workers problem is as serious as we have heard it described, but nevertheless it is possible that politics would enter the system there.

Mr. Speaker and members of the House, those two ways in which politics may enter into this question of relief are not the dangerous ways that the Van Allsburg bill will make, in my opinion, it possible for politics to enter this question.

As I read over this bill I call your attention to the wording on page ten of the bill and I quote from the bill as proposed. I read from Section 8.1 on page ten as follows:

> "Each county board of assistance for the purpose of administering general assistance and pensions shall have the power and its duty shall be
>
> "(a) To appoint and remove at will and without regard to the laws regulating employment in the Department of Public Assistance such employees as may be necessary under the direction of the executive director appointed under the provisions of Section eight of this act."

Mr. Speaker, I do not care whether the employees of this department are under civil service or whether they are not under civil service. What we desire is an efficient, non-partisan administration and distribution of relief to those people who properly qualify under the general rules and regulations prescribed by the responsible head of the Relief Department or by the responsible board heading relief distribution. I say to you in the few lines I have quoted, we can easily see when these people are appointed, there being no necessity for any tests in their appointments, that we are immediately getting into the question of political patronage.

I call your attention, Mr. Speaker and members of the House, to page eleven, where the qualifications of such appointees are set up. I see there that the qualifications, and I take it from the bill, apply to the supervisory positions, and I note with a great deal of amazement that these quali-

fications are so general that I am quite sure they could qualify anyone for any type of supervisory position in any type of endeavor whatsoever. I see here that the persons selected must be first practical, fair minded persons of good character; second, above twenty-five years of age; third, citizens of the United States.

Indeed I notice a particular qualification which I feel might be misconstrued, or might be misunderstood to be a qualification for political activity; "qualified to vote in the county in which they are to be employed; registered in Pennsylvania and have been such for a period of not less than three years." The only qualification pertaining to relief whatsoever: "(6) persons whose qualifications are such as best to promote the most effecient and economical administration of general assistance and pensions."

Mr. Speaker, and members of the House, with the hope that the bill has not gone too far in requiring some qualifications relating to the problem, the sponsors of the bill have seen fit to include and very definitely to include a provision that the selection of such employees shall not be subject to any control or approval by the Department of Public Assistance. Now, not with the thought that the Department of Public Assistance is the only authority which necessarily could select good and competent people for filling these positions, but it is rather with the thought that those words specifically mean that the sole authority for hiring these people will be with the county boards, and that the state will have to bear the burden of those people politically appointed without any real qualifications set up for their appointment, nevertheless the state will have to foot the bill and the county boards may select as many people as they deem necessary, as I read through the bill, while I know there is a clause requiring that these people who are poiltically appointed shall not receive and must not receive less pay than the people performing similar duties under the Department of Public Assistance, I say that there are no limitations prescribed upon the maximum salaries and compensations which they may receive.

On page 12 of this bill I note that there is an attempt made to give local communities something to say about the people who are on relief. It may be that properly worked out the present attempt would be worth while, and it might be that that would be conducive to less chiseling. Mr. Speaker, I say to you that the laws prohibiting the obtaining of money under false pretenses with respect to people on relief rolls, accepting stipends from the state, have been enforced in many of our counties with gratifying results and I say that is a better way of curing the situation than to have a group of people who are selected by the county boards without any qualifications, who will serve without pay and who in my opinion can hardly escape being selected from the politically active majority party in the state. It seems to me that such a local sub-committee selected without any qualifications as to bi-partisanship can hardly escape being anything more than an inquisitorial body of busy bodies, who will go out and poke their nose into the business of those unfortunate persons forced to find themselves applicants for relief.

Mr. Speaker and members of the House, I know in this bill there is an express provision which I consider one of the good provisions of the bill, which prohibits any person employed in the relief set-up from soliciting the vote of any person on the relief rolls. That is a worth while clause. However, I do not know, and it is not clear to me whether these sub-committees which I take from the bill would not be paid sub-committees, whether they would be permitted to solicit votes from people who might be on the relief rolls. I also call to the attention of the membership that since we are going to have a list of the relief recipients published or at least on file for inspection, the relief roll certainly can be used by anyone who is not connected with the distribution of relief and it seems to me, Mr. Speaker and members of the House, that if the local ward chairman or the county chairman of the majority party happens to be related closely enough to some of the people who are county board members or county sub-committee board members, I do not know how far removed that is from political coercion.

Mr. Speaker and members of the House, I seldom rise on this floor to speak in condemnation of a piece of legislation because I believe it is partisan in nature, and I am not rising to condemn this bill because it is partisan in nature. It may be that some of the aims which the author of this bill desires to achieve, and which he feels he is able to achieve by this bill, are worthwhile, but it seems to me upon analysis of this bill, that the only thing that will be accomplished will be, instead of having two types of political influence in relief, henceforth we will have three types of political influence in relief, and it will be the types that will mean that henceforth the recipient of relief will visit his ward chairman, his representative or his politically active friends and will demand that he be given an increase in the amount that he receives, because in his opinion he is entitled to as much as some other neighbor that he may know is on relief. It seems to me, Mr. Speaker, that we can hardly escape by the passage of this bill finding ourselves where relief is directly and squarely in politics, and that we who are here now will regret having voted for and having adopted this measure.

So Mr. Speaker and members of the House, I urge the membership to consider this bill seriously and I urge the member to vote "no" on this bill.

Mr. WOODSIDE. Mr. Speaker and members of the House, during the first two years of the new Department of Public Assistance there has been spent for relief in Pennsylvania by the state government over two hundred and eight million dollars. In 1931, the Commonwealth of Pennsylvania made an appropriation of ten million dollars for direct relief and that amount was sent back to the local and county districts for distribution and expenditure. Since that time the expenditures for relief have continuously grown. Two years ago relief was centralized in the state government, by a plan known as the Goodrich Plan. That plan, Mr. Speaker, was not the plan of this House of Representatives, nor was it the plan of the House of Representatives of 1937 and we all know had it not been for the tremendous pressure that was placed upon the members on the other side of the House, that they would not have accepted it as their idea.

This expenditure of two hundred and eight million dollars, in comparison to the expenditure of general fund appropriations for all other purposes, raised a very interesting comparison. The general fund expenditures for all other purposes outside of relief, as recommended in the Governor's budget for the biennium just approaching is two hundred million dollars. That includes

all the money being spent for schools, hospitals, homes as well as all the money to operate the various departments of the state government.

Mr. Speaker, as long as it is necessary for the Commonwealth of Pennsylvania to appropriate the vast sums of money which are being appropriated for direct relief, it will be impossible to make the appropriations to schools, hospitals and to the various other agencies and functions of government which we all know are badly in need of

This two hundred and eight million dollars spent during this past biennium for direct relief and for general relief in the Commonwealth of Pennsylvania is more money than is being spent by the state government of any other state in the Union It is more money than is being spent by any other comparable government in the whole world. It may be right that this great Commonwealth of Pennsylvania, should expend all of this money and more, but as long as this money is being spent, as I have already said, it is not only impossible to give the schools, the homes and the hospitals and the various other functions of our government the money which they need, but it is also a burden upon industry in this Commonwealth. It is creating a vicious circle and driving out of the Commonwealth the business which is putting more people on relief, which in turn is driving more industry out of the Commonwealth of Pennsylvania. Our taxes are based upon taxes on industry and taxes on personal property, both of which can pick up and flee this state, making it impossible for us to continue the relief system which will continue to increase in amount month after month and year after year.

I say, Mr. Speaker, that this relief is eating us up and there must be something done about it. Now, what is it that should be done? What do all of the agencies who have studied this problem, what do all of the leaders who are thinking about this problem, say? They say this: That there must be some local responsibility; there must be less centralization, they also say that it must be broken up. For what purpose? It must be put back into the local districts so that they will have more influence, more control, consequently more concern about the administration of relief.

This does not mean, that the people who are on relief will suffer. This system is set up and established by general rules meant to apply to the whole state; it is administered from a central office, which is taking control away from local districts. That means an impersonal administration of relief, it is true whereby the individual who is receiving it is getting funds but is not being helped in his general problem. The main thing we have got to do is to get those people on relief back to work, and there is only one way in which that can be successfully done, and that is through the interest of the local community in the people who are on relief in that particular community. I say, Mr. Speaker, we must turn around from the direction in which we have been going for the last two years towards centralization, toward increased state expenditure for relief; we must turn around and we must meet this problem from a different angle. This bill, is the first step. It does not go as far as we must eventually go to properly meet this problem.

The lady from Philadelphia has made a very passionate plea for those on relief, but I say that her plea is applicable only if we assume that the people who are on relief have no hope for the future. It is applicable only to those people on relief who have given up and said "The rest of our lives we are going to spend on relief." That is not what the people on relief really want except a few chiselers. The people on relief want an opportunity to get jobs and I want to give you a specific example from one of the counties in this state. A group of women were organized and that group of women after considerable persuasion and a great deal of effort were able to secure the names of the people on relief in their particular district. Mr. Speaker, this is the first example that I know of where a group that was really and truly interested in this problem was able to obtain a list of the people on relief, and it took considerable effort for them to obtain that list. This group finally obtained a list of people on relief in their particular community, and they went to work on it. They have practically wiped out the relief roll in the district in which they were doing experimental work. What does that mean, Mr. Speaker? It means that we must break this relief down so that it will be met by the local districts, so that it will be dealt with by the people who will take an interest in those persons who are out of work, so that it will be met by the people of the community who are going to try to help those people get jobs, who are going to find work for them, who know the people in the community and who know the people who are taking the money and spending it for improper purposes.

I think we will all agree that this relief problem is serious and must not be dealt with as we have to some extent in this debate today dealt with it, as a political issue. It is too big for political issue, and any party, whether it be Republican or Democrat, who in the administration of relief puts politics before honest administration, will go down to defeat and I don't care whether it is Republican, Democrat, Socialist or what it is. If the Republican Party in its administration of relief does not put honest and efficient administration of it before any political consideration, it will suffer, and we will suffer the consequences of any such action. I have faith in the gentleman who is in the position of Governor of this Commonwealth, that he will do everything in his power to keep politics out of relief.

Further, concerning the efforts of this group that is working to take those people off relief. I heard that they have in their small experimental way dealt with the problem in the way that it eventually must be dealt with. I know that at the present time it is absolutely impossible to pass back to the local districts or communities the burden of carrying relief, and I feel that we cannot now advocate that. The problem of when they will be able to take up some of the relief burden is wrapped up with the general tax program, both in the state and in the local districts; it is also wrapped up with the program of financing our schools. That problem must receive very careful, enlightened and intelligent study, and I hope and believe that that study will be made by the Joint State Government Commission, which I hope will be established during this session of the Legislature and will function during the next two years.

Eventually part of the burden of taxation will have to be borne by the local districts, maybe only five per cent at first, maybe only ten per cent at first. It will of necessity have to be a very small part on account of conditions which exist in many of these districts. Unfortunately today

I do not believe it is possible to put into operation the plan of having the local district carry any of the burden but I tell you, and it may not be politically expedient for me to say this, I am expressing my own opinion, it is the only honest approach to this problem, but we want to deal with this problem above politics, and I mean that "sincerely". The local districts have got to take enough of this responsibility, financial responsibility, that they know is their problem to meet, at the place and the only place that it will ever be able to be met. The state government has continued to carry the biggest part of the burden. I call your attention again to the fact, Mr. Speaker and members of the House, that the Commonwealth of Pennsylvania is carrying a bigger portion of the relief burden than any other state in the entire Union. That is because of two reasons. In the first place because we have centralized our entire system in the state government, and the local governments have no responsibility. Secondly although half of the states carry over ninety per cent of their relief through WPA, in Pennsylvania the portion carried by WPA is a very much smaller percentage, sixty-nine per cent.

I do not want to bring politics into this debate and I do not propose to. The gentlemen on the other side may do so but I say that is a matter that is actually above politics.

I might tell about many letters I have received concerning the methods of the so-called civil service examinations and appointments. All kind of letters, affidavits and statements regarding this matter, which have come to me unsolicited, concerning the manner in which the appointments were made under civil service. I do not want to bring that in but I do want to say that on Monday night I regretted very much the approach that was made by the minority to this bill. When this bill was first reported out of Committee the minority objected that they did not have sufficient time to study it, and Mr. Speaker, they were right. In accordance with their suggestion we sent that bill back to Committee. That bill was then worked upon carefully and intelligently by a group of Republicans and Democrats, who sat around the table and who, I say, Mr. Speaker, approached the problem, not as Democrats, not as Republicans, but as Legislators and as Pennsylvanians. I think they made some constructive and helpful amendments to the bill. I thought when the bill was reported out that the minority on the other side would pick out two or three or four or possibly a half a dozen main issues which are involved in this bill and that they would submit amendments on these three or four or half a dozen main issues of this bill, and that then we could intelligently consider and discuss these main issues with the hope that out of that discussion there would be developed a better bill than that which we now have. On this relief question we can always, day after day, week after week, month after month, year after year, continue to improve legislation relating to the subject. Unfortunately, instead of that, there were submitted from the other side approximately forty amendments, many of which were absolutely senseless and meaningless in their effect upon the bill. As a result of that a few outstanding issues, which might have been righted were lost in a maze of senseless and foolish amendments, many of which must have been put in merely for the purpose of filibustering and hampering normal discussion and progress in the adoption of this legislation. I regret very much the approach that the gentlemen on the other side made to the matter on Monday night. I feel that the debate today was pretty generally on the question of relief, although there was a great deal of discussion on politics and a great deal of discussion about the Governor and his promises, his ideas on relief.

Mr. Speaker, having served in the 1935 session of the Legislature and the 1937 session, I can understand how the gentlemen on the other side cannot appreciate, cannot comprehend the situation which exists in the Republican party today because I know, although the Democratic party have charged us with having secret meetings of the Welfare Committee, which only Republicans attended, I do not know that the Welfare Committee of the House of Representatives on more than one occasion met with Governor Earle and the Democratic members without Republicans being invited, met with Governor Earle to discuss relief problems in the Governor's office. I do not think this is important, except I want to call the attention of the Republicans and the attention of the members on the other side to a fact that all the members on this side know.

This bill is not the bill of Governor James. Governor James does not call the Republican members in and say, "Here is legislation". We are trying this year to operate as a legislative body. Maybe it will work and maybe it will not, I don't know, but certainly it is under the old principles of American government. It is a plan that is well worth trying, and the Governor is giving his fullest cooperation in carrying it out. So, Mr. Speaker, when the members on the other side talk about Governor James and his promises and what effect they have on the bill before us, they are not on the point at issue at all because this bill is not Governor James' bill. This bill is a bill that was worked out by the Committee of the House of Representatives, and I say it is a bill to a large extent, or at least to a degree, that was worked out by both the Democratic and Republican members of that committee. Any criticism or any statement concerning the Governor's attitude in connection with this bill, so far as I know as Republican floor leader, is entirely unfounded. This bill, if there is any blame to be placed, should be placed upon the Committee on Welfare, to a degree upon the Republican membership, and to a degree upon the Democratic membership of the House of Representatives, and if there is any credit that credit should be given here.

I think the attention, in connection with relief, should be called to the last provision in the bill. On page nineteen we inserted a paragraph which we feel will help to keep politics out of relief, and I want to call your attention to the fact that many of the complaints that have been made to this bill are merely complaints that have been made relative to the administration of the problem of relief.

There are many other things that might be said on this relief problem. It is much too big to discuss in a few minutes, in a few hours, or a few days, and as I have suggested before it is a problem that will have to be dealt with day after day and week after week.

This bill, as I said, is not the Governor's bill, and it is not my bill. It does not include all the ideas that I have as to what requirements should be set up. It is not John Van Allsburg's bill. It is not the bill of any individual nor is it any individual's idea. What the eventual solution of this relief problem will be we do not know, but I will say this one thing, Mr. Speaker, and with this I

will close: We must send relief back into the districts where it will be dealt with more intelligently it can be dealt with from a central office; where it will be dealt with more personally, if you please, than it can be dealt with in a central office. We must reconstruct our entire system in order that that can be carried out. This bill does not do that, but it turns around and is a step in the direction which will be helpful and which will to some degree at least carry out that intent a little more fully than it has been carried out.

I hope, Mr. Speaker, when this problem is dealt with here another step will be taken which will mean in the end that the schools will have more money, that there will be more money for the hospitals and the homes of the Commonwealth of Pennsylvania, and that the people who are on relief can and will be put back to work.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I shall reply to the gentleman from Dauphin, Mr. Woodside, just briefly.

I am rather interested in the figures that he gave as to the sums of money that are spent for relief in Pennsylvania, and the comparison of figures, with the Republican administration. I am glad, incidentally, to state that when the Democratic party went into control four years ago, they found on their hands a deficit of over forty-five million dollars that was incurred because of relief in Pennsylvania. In other words, he would have you believe that the preceeding administration had handled the problem of relief with an expenditure of about ten million dollars. He neglected, of course, to tell you the deficit that was left for us to pay. May I ask whether the expenditure of two hundred and eight million dollars for relief of the unfortunate in Pennsylvania is the criterion by which to judge whether legislation is good or bad, or would you say, Mr. Speaker, that the criterion by which to judge is the amount of need that exists in Pennsylvania. That, Mr. Speaker, in my opinion is the true criterion by which we should judge. Was it needed; was the money properly spent? I don't think that anyone in this House will say that the amount of money that we gave to the relief recipients was unreasonable. As a matter of fact I personally cannot understand how those who are on relief are able to get along on the amount that is allowed them.

Of course, the gentleman from Dauphin stated there were several reasons why the amount of money was so great here in Pennsylvania, and of course, he endeavored to place the burden mainly on the federal government—a lack of sufficient WPA work in Pennsylvania. May I ask the gentleman from Dauphin what Senator Davis, the Republican Senator from Pennsylvania, has done to relieve that problem? May I ask the gentleman from Dauphin what the city of Philadelphia has done to cooperate with WPA? Everybody in Pennsylvania knows that the relief load is occasioned by the fact that Council of the City of Philadelphia has failed to make any appropriation for the purpose of securing WPA jobs. Perhaps I had better correct my statement. When I say recently, I mean six or eight months ago City Council in Philadelphia made an appropriation of one million dollars for WPA purposes and have not to the present time expended one cent of that money. Therefore, Mr. Speaker, I reply to the gentleman from Dauphin if you have not received the money you anticipated from the federal government, you can go back to your own party and there lay your blame.

The thing that shocks and frightens me is some of the other remarks the gentleman from Dauphin made. He indicates that this entire program is intended to cut the relief load. Just how, Mr. Speaker, will it do that? I can see one subtle suggestion and that is the one that makes me shudder for the poor of Pennsylvania cut down the amount of relief so that you can give it to the schools. Perhaps we are going to change that old phrase, about tightening your belt and then when times get harder tighten it again. I will not quote the last phrase which I understand is not disputed. I will paraphrase it in Pennsylvania and say, "tighten your belt and go to school, see if you can live on that." Is that what we are to expect in Pennsylvania? That is what was rather indicated here on the floor of the House today.

I may say, Mr. Speaker, that I can agree with the gentleman from Dauphin that this issue is too big to be put into politics. I can agree with him in that one hundred per cent, but I am going to follow it with an inquiry as to why they, the members of his party, are not broad-minded enough, why they are not big enough to follow my suggestion that we have by-partisan control of relief, remove politics from relief.

That suggestion, Mr. Speaker, they hesitated on and refused to follow. I can understand, of course, the great concern of the members on the opposite side of the House as to who wrote this bill. Governor Earle didn't do it, so they say. Mr. Van Allsburg didn't do it; the Republicans didn't do it, and in a week voice, of course, the Democrats didn't do it.

Mr. Speaker, I don't blame them for not wanting to be the father of this bill. Who would want to be the daddy of this bill. There was criticism, of course, as to the number of amendments that were presented to this bill on Monday evening. I frankly would have preferred having just a few salient features of the bill adopted, but, Mr. Speaker, may I assure you that the consideration that we had hoped to receive in discussion of this bill did not measure up to my anticipations. I have reason to believe that originally the members on the other side of this House were not only paying lip service to home rule, but that they were honest and sincere in their statements. Mr. Speaker, it was not long until that delusion of mine was dispelled. This is the answer I received relative to home rule and local government, "The time is not ripe." When, pray tell me, is the time ripe for home rule? It was ripe in 1937, they could agree with me then, and if it was ripe in 1937, Mr. Speaker, I say it is ripe now. It was ripe when we took this bill away from the House for the purpose of discussion between the members of the two parties. It would make a very curious story were I permitted to tell what occurred in the meeting, but suffice it is to say that I learned that the theory of home rule as propounded by the majority members of this House was indeed only a lip service to home rule. That, Mr. Speaker, is one of the reasons and the main reason why an honest and sincere effort was made last Monday to amend this bill, so that the Republicans could really feel proud of claiming ownership.

Mr. Speaker, that sums up in my mind what can be said about the bill. The party on the other side of the House, if they want this bill, are going to claim authorship of the bill, not only authorship of the bill, they are

going to vote for it and all the condemnation that is going to attach to this bill will be theirs. Not only that, Mr. Speaker, but their Governor, when he signs the bill will likewise accept responsibility for it.

In conclusion, Mr. Speaker, I cannot voice the same thought that the gentleman from Dauphin voiced, as to his confidence in the Governor in the administration of our relief laws. I haven't forgotten the broken promises, and the members on the other side of this House, those who campaigned on reduced taxes, should not forget it, and remembering those broken promises it is certainly amazing that any member of the House should get up and say to us, "Let us have confidence in the man over there, the Governor," in the face of a record of broken promises such as that.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Check, Weiss, and Herbert B. Cohen asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—127.

Ackermann	Eckels,	Kowalski,	Serrill,
Alspach,	Ely,	Krise,	Shearer,
Andrews,	Ewing,	Lee,	Simons,
Atkins,	Fisher,	Leisey,	Sloan,
Auker,	Fiss,	Leydic,	Snyder,
Balliet,	Fleming,	Lichtenwalter,	Stambaugh,
Bardes,	Foor,	Lyons,	Stewart,
Bennett,	Freed,	Madden,	Stockham,
Boorse,	Fullerton,	Marr,	Sweeney,
Boose,	Gates,	Matthews,	Tahl,
Bower,	Gillan,	McClester,	Taylor,
Boyd,	Gillette,	McGarrity,	Terry,
Bretherick,	Goll,	McKinney,	Thistle,
Bronson,	Habbyshaw,	McNally,	Thompson, G.R.,
Brown, S. W.,	Haines,	McVay,	Tiemann,
Brunner,	Hall,	Montgomery,	Trout,
Cadwalader,	Hamilton,	Moser, F. S.,	Van Allsburg,
Calvin,	Harbeson,	Moser, J. L.,	Van Belle,
Carpenter,	Haudenshield,	Muir,	Voorhees,
Christler,	Henry,	O'Dare,	Wagner,
Clark,	Hewitt,	Peale,	Watkins,
Clearwater,	Hocke,	Reagan,	Webster,
Cook,	Hoffman, J. N.,	Reese, D. P.,	Wilkinson,
Cooper,	Hoyt,	Rhodes,	Wilson,
Cordier,	Huntley,	Riley	Winner,
Cortese,	Imbrie,	Robertson,	Wood, H. M.,
Curran,	James,	Rose,	Wood, L. H.,
Dalrymple,	Johnston,	Roseberry,	Wood, N.,
Denman,	Jones,	Royer,	Woodside,
Dick,	Kane,	Sarge,	Yeakel,
Dix,	Kline,	Schrock,	Turner,
Donahue,	Knoble,	Seif,	Speaker.

NAYS—74.

Achterman,	Fauset,	McLane,	Rooney,
Allen,	Finnerty,	Melchiorre,	Rosenfeld,
Allmond,	Flanagan,	Mihm,	Rothenberger,
Baker,	Furman,	Mooney,	Sarraf,
Balthaser,	Gorski,	Moran,	Scanlon,
Bois,	Harkins,	Munley,	Schrope,
Boney,	Hess,	O'Brien,	Schwab,
Brancato,	Hindman,	O'Connor,	Skale,
Broad,	Hoffman, S. K.,	O'Keefe,	Stank,
Brown, H. S.,	Holland,	Ominsky,	Tarr,
Burns,	Jirolanio,	O'Neill,	Thompson, E. F.,
Burris,	Keenan,	Powers,	Tronzo,
Check,	Kenehan	Preston,	Walsh,
Chervenak,	Kilroy,	Readinger,	Weiss,
Cohen, H. B.,	Levy,	Reese, R. E.	Welsh, E. B.,
Corrigan,	Long,	Regan,	Welsh, M. J.,
DeNote,	Lovett,	Reynolds,	Westrick,
Downey,	Malloy,	Rider,	Williams,
Falkenstein,	Malone,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE MEETINGS

There will be meetings of the Committees on

State Government immediately after recess in Room 417.

Municipal Corporations immediately after recess in Room 546.

Mines and Mining immediately after recess in Room A House Caucus Room.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 8 p. m. Eastern Standard Time. Is there objection? The Chair hears none and declares a recess until 8 p. m. Eastern Standard Time.

AFTER RECESS

The House reconvened at 8 p. m.

The SPEAKER (Elwood J. Turner) in the Chair.

BILL INTRODUCED AND REFERRED

By Messrs. HABBYSHAW and WOODSIDE.

HOUSE BILL No. 1451.

An Act authorizing the Department of Highways with the approval of the Governor to lease from the General State Authority, any bridge and road project constituting a connecting link across a river between two existing state highways; providing for the operation of such bridge as a toll bridge; and appropriating moneys from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project.

Referred to the Committee on Appropriations.

COMMUNICATIONS

The SPEAKER laid before the House the following communication which was read by the Clerk.

HIGHWAYS

A Resolution from the Council of the Borough of Mechanicsburg asking the Department of Highways to take over a road in Cumberland County.

Referred to the Committee on Highways.

BILL PASSED OVER

There being no objection House Bill No. 1300 Printer's No. 557 was passed over at the request of Mr. CORTESE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 780, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre.	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 781, entitled:

An Act authorizing the Secretary of Forests and Waters, with approval of the State Parks Commission, to transfer portions of canal properties acquired by the Department of Forests and Waters, to the Department of Highways for highway purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre.	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1114, Printer's No. 561, was passed over at the request of Mr. SARGE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 806, entitled:

An Act to amend article one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the appointment and election of school auditors in union school districts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 465, entitled:

An Act to amend article three by adding thereto section three hundred and twenty, and to amend sections nine hundred and one, one thousand one hundred and five, and one thousand one hundred and eleven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for the arrangement, and reorganization of business organizations under the National Bankruptcy Act, for the further merger and consolidation of certain corporations, and further regulating the dissolution of such corporations and the survival of remedies after dissolution.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 330, entitled:

An Act to further amend subsection A of section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking coroprations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts" by providing further with regard to limitations upon loans to one corporation or person.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 763, entitled:

An Act to amend subdivision (a) of article eleven, and section one thousand one hundred and eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the procedure for laying out, opening, widening, straightening, vacating and relaying roads, streets et cetera, wholly within said townships.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,

Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1112 Printer's No. 454 was passed over at the request of Mr. KNOBLE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 658, entitled:

An act to add clause forty-six to section one thousand five hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by authorizing appropriations for the support, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. F.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1232, Printer's No. 599, and House Bill No. 1093, Printer's No. 464, were passed over at the request of Mr. HESS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 848, entitled:

An Act to amend section one of the act, approved the eleventh day of May, one thousand eight hundred ninety-three (P. L. 42), entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania, to make allowances or pensions to employes for faithful and long continued service, who in such service have become old infirm or disabled," by extending its provisions to include directors and officers of such corporations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G.R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Calvin,	Hocke,	Ominsky,	Trout,

Carpenter,	Hoffman, J N.,	O'Neill,	VanAllsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 169, as follows:

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further providing for additional investments of trust funds by fiduciaries

The General Assembly of the Commonwealth of Pennsylvana hereby enacts as follows

Section 1 Subsection eighteen of paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of acounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" which was added to said section by section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1037) is hereby amended to read as follows

Subsection (18) Obligations of the General State Authority [and] Housing Authorities and Authorities created under Municipality Authorities Act Bonds of General State Authority issued pursuant to the provisions of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) its amendments and supplements and bonds of any housing authority issued pursuant to the provisions of the laws of this Commonwealth relating to the creation or operation of such housing authorities also bonds of any authority existing by virtue of the Municipality Authorities Act of one thousand nine hundred and thirty-five approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 463) and its supplements and amendments

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Minm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,

Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1164, entitled:

An Act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 907, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto," as amended; by adding thereto section one thousand one hundred and ninety-seven, regulating the expenditure of funds allocated by any agency or department of the Commonwealth to townships of the second class in which the public roads and bridges are opened, made, amended and repaired by taxpayers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,

Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Brien,	Thompson, G. R.,
Burns,	Henry,	O'Connor,	Tiemann,
Burris,	Hess,	O'Dare,	Tronzo,
Cadwalader,	Hewitt,	O'Keefe,	Trout,
Calvin,	Hindman,	Ominsky,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Kane,	Rhodes,	Williams,
Cortese,	Keenan,	Rider,	Wilson,
Curran,	Kenehan,	Riley,	Winner,
Dalrymple,	Kilroy,	Robertson,	Wood, H. M.
Denman,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry	Woodside,
Dix,	Krise,	Rosenfeld,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Downey,	Leisey,	Royer,	Speaker.
	Levy,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 887, entitled:

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits; requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violation of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 948, entitled:

An Act to amend section eight hundred and four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further restricting payments out of township treasuries; and giving township treasurers discretion to refuse payments.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarge,
Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Allen,	Ewing,	Long,	Scanlon,
Allmond,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,

Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser	Foor,	McClester,	Simon,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G.R.,
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Cadwalader,	Hindman,	Ominsky,	Trout,
Calvin,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Downey,	Levy,		Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 714, entitled:

An Act to amend section four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations", as amended, extending the provisions of said act to permit corporations to be formed for beneficial and protective purposes to the widows and families of policemen and firemen, under and in accordance with such provisions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarge,
Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Allen,	Ewing,	Long,	Scanlon,
Allmond,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simon,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson. G.R.,
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Cadwalader,	Hindman,	Ominsky,	Trout,
Calvin,	Hocke,	O'Neill,	Van Allsburg,
Carpenter	Hoffman, J N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Downey,	Levy,		Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1162, entitled:

An Act to amend section forty-nine by adding thereto clause (g), and to further amend clause (k) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents,

rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the appointment of substitute fiduciaries to execute decrees of distribution in certain cases and by altering the procedure and requirements for the appointment of guardians ad litem.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarge,
Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Allen,	Ewing,	Long,	Scanlon,
Allmond,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simons,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G.R.,
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Cadwalader,	Hindman,	Ominsky,	Trout,
Calvin,	Hocke,	O'Neill,	Van Allsburg,
Carpenter	Hoffman, J N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Downey,	Levy,		Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1388 Printer's No. 472, was passed over at the request of Mr. HESS.

There being no objection House Bill No. 1256 Printer's No. 469, was passed over at the requets of Mr. WOODSIDE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 297, entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,

Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the quesion was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1076, Printer's No. 463, was passed over at the request of Mr. HESS.

There being no objection House Bill No. 993, Printer's No. 456, was passed over at the request of Mr. CALVIN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 996, entitled:

An Act to amend section three hundred eight, and section seven hundred two, as amended, of the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments, to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by facilitating the procedure to borrow money and to acquire or dispose of real estate; and to facilitate the approval of amendments by members.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 482, entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September second, one thousand nine hundred and thirty-seven, and conferring certain powers and duties on the Pennsylvania Game Commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,

Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1171, entitled:

An Act to amend Section 1109-1, as added, and section one thousand one hundred and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any, other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the third time, cnsidered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 842, entitled:

An Act to amend section one thousand three hundred and fourteen and section one thousand three hundred and fifteen as amended of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further for the registration and recording of deeds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206.

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter	Hoffman, J N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1347, entitled:

An Act to amend section two thousand eight hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," making it unlawful to require, and for certain persons to solicit teachers to become members of certain organizations; and prohibiting the solicitation of dues for certain organizations during school hours.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark.,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Royer,	Turner,
Donahue,	Leisey,	Sarge,	Speaker.
Downey,	Levy,		

NAYS—1

Rothenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1285, as follows:

An Act to amend section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor

and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" assigning certain rooms in the State Capitol to the General Assembly

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commission shall be determined" is hereby amended to read as follows

Section 2413 Board of Commissioners of Public Grounds and Buildings The Board of Commissioners of Public Grounds and Buildings shall have the power and its duty shall be

(a) To assign rooms in the State Capitol to the Governor the General Assembly and the officers and committees thereof the Supreme and Superior Courts and the judges and officers thereof and as far as possible to the several administrative departments boards and commissions of the State Government Provided That the halls of the Senate and the House of Representatives together with the corridors ante-rooms conference rooms lobbies post offices and other space now used adjoining the same and the rooms in the main Capitol building hereinafter enumerated are hereby permanently assigned to the General Assembly and the officers and committees thereof that is to say

To the House of Representatives and the Legislative Reference Bureau on the first floor in the south wing all office floor space south of the rotunda except that space in the southeast wing embracing a floor area of approximately sixty-two feet north and south by seventy-two feet east and west on the entresol floor in the south wing all office floor space south of the rotunda except that space in the southeast wing embracing a floor area of approximately sixty-two feet north and south by seventy-two feet east and west and except the two offices located at the southwest corner of the south wing embracing a floor area of approximately twenty-three feet by fifty-five feet and in the central wing all office space on the south side of the wing east of the rotunda on the second floor in the central wing all office space on the south side of the wing east of the rotunda on the third floor in the central wing all office space in the wing east of the rotunda in the basement south wing all office and storage floor space south of the rotunda

All such rooms that are used by the Senate shall at all times be under the absolute control of the President pro tempore of the Senate and all such rooms that are used by the House of Representatives shall at all times be under the absolute control of its Speaker The President pro tempore or the Speaker as the case may be may arrange with the Board of Commissioners of Public Grounds and Buildings for the exchange of any room or rooms hereby assigned to the General Assembly for any other room or rooms which they deem more advantageous for the use of their respective branches of the General Assembly The Department of Property and Supplies shall continue to provide for the maintenance and repair of all floor space hereby assigned to the General Assembly and shall provide daily janitor services for the same

(b) Whenever the Department of Property and Supplies shall have leased offices rooms or accommodations outside the Capitol buildings for the use of the administrative departments boards or commissions to assign such rooms to such administrative departments boards or commissions as cannot be adequately accommodated in the Capitol buildings

(c) To approve or disapprove proposed leases for branch offices rooms and accommodations outside the capital city and to assign such offices rooms and accommodations if and when leased

(d) To approve or disapprove proposed purchases by the Department of Property and Supplies as purchasing agency of articles other than those on the department's schedules when a similar article is included on such schedules and to approve or disapprove departures from specifications contained in the schedules or from standard specifications for articles not included in the schedule by departments boards or commissions having charge of State institutions

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,

Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 673, Printer's No. 583, was passed over at the request of Mr. HESS.

There being no objection House Bill No. 1038, Printer's No. 576 was passed over at the request of Mr. McKINNEY.

There being no objection House Bill No. 1399, Senate Bill No. 433, Printer's No. 62 was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 1392, Senate Bill No. 268, Printer's No. 56, and House Bill No. 670, Senate Bill No. 206, Printer's No. 93, were passed over at the request of Mr. HESS.

There being no objection House Bill No. 1393, Senate Bill No. 375, Printer's No. 57, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1105, entitled:

An Act providing for and regulating the State licensing of nurses of several classes the biennial recording of licenses regulating the profession of nursing imposing penalties and repealing certain existing laws

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hays,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Royer,	Turner,
Donahue,	Leisey,	Sarge,	Speaker.
Downey,	Levy,		

NAYS—1

Rothenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 528, entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by modifying and further defining certain exemptions from said taxes by including specifically employers' thrift or savings association whether operated by employees or the employer

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,

Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1030, Printer's No. 534, House Bill No. 1031, Printer's No. 490, House Bill No. 1301, Printer's No. 547, House Bill No. 1302, Printer's No. 548, and House Bill No. 1401, Printer's No. 549, were passed over at the request of Mr. HESS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 961, entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers

Whereas The Commonwealth in establishing the Pennsylvania Liquor Stores has never provided sufficient working capital for the purchase of an inventory of liquors held for sale and

Whereas The Pennsylvania Liquor Control Board for this reason has been unable to take advantage of cash discounts offered by liquor vendors for the prompt payment of bills and

Whereas It is distinctly to the Commonwealth's advantage to be able to take cash discounts offered therefore

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Self,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hays,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1249, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1246, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hays,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1103, entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full and making an appropriation out of the Motor License Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,

Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 792, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1172, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,

Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1173, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes	Williams,
Corrigan,	Keenan,	Rider	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1174, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,

Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burns,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider	Wilson,
Cortese,	Kenehan,	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1175, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Faikenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Keenan,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1176, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Faikenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,

Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1177, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Mihm,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1178, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,

Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 913, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1129, Printer's No. 503, was passed over at the request of Mr. ROYER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1170, entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,

Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1244, entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarge,
Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Allen,	Ewing,	Long,	Scanlon,
Allmond,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simon,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Calvin,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, S. K.,	Peacock,	Van Belle,
Check	Holland,	Peale,	Voorhees,
Chervenak,	Hoyt,	Powers,	Wagner,
Christler,	Huntley,	Preston,	Walsh,
Clark,	Imbrie,	Readinger,	Watkins,
Clearwater,	James,	Reagan,	Webster,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cook,	Jones,	Regan,	Welsh, M. J.,
Cooper,	Kane,	Reynolds,	Westrick,
Cordier,	Keenan,	Rhodes,	Wilkinson,
Corrigan,	Kenehan	Rider,	Williams,
Cortese,	Kilroy,	Riley,	Wilson,
Curran,	Kline,	Robertson,	Winner,
Dalrymple,	Knoble,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld	Woodside,
Dix,	Leisey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Downey,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1382, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five.

And said bill having been read at length the third itme, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,

Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner.
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1127, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner.
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1266, entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner.
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 321, Printer's No. 507, was passed over at the request of Mr. McVAY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1104, entitled:

An Act to create and provide for the Fund of the Board of Nurse Examiners involving moneys paid by nurses licensed attendants or others and collected under the laws administered by the State Board of Examiners for Registration of Nurses and regulating the handling and disposition thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett	Schrope,
Alspach,	Fauset	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1245, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 832, Printer's No. 508, and House Bill No. 824, Printer's No. 509, were passed over at the request of Mr. THISTLE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1072, entitled:

An Act to amend clause III of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating contracts and tax levies for fire purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarge,
Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Allen,	Ewing,	Long,	Scanlon,
Allmond,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simons,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boies,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G. R.
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Cadwalader,	Hindman,	Ominsky,	Trout,
Calvin,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christley,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Downey,	Levy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1320, Printer's No. 541, was passed over at the request of Mr. FREED.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1108, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended establishing a Fund of the Board of Nurse Examiners by adding clause twenty-one to section three hundred two of said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Ackermann,	Eckels,	Leydic,	Sarraf,
Achterman,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,

Boorse,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1106, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain changes in the powers and duties of the Board and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simon,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1310, Printer's No. 512, was passed over at the request of Mr. BOORSE.

There being no objection House Bill No. 951, Printer's No. 537, was passed over at the request of Mr. JAMES.

There being no objection House Bill No. 941, Printer's No. 536, was passed over at the request of Mr. RILEY.

There being no objection House Bill No. 1384, Printer's No. 550, was passed over at the request of Mr. GILLAN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded t othe third reading and consideration of House Bill No. 956, entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any was or their dependents

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1148, entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E Garrett deceased

Whereas Henrietta E Garrett died on November sixteen one thousand nine hundred thirty without ostensible heirs or next of kin and intestate as to the bulk of her estate which is estimated to exceed sixteen million dollars ($16,000,000) in value and

Whereas The Commonwealth's interests in the said estate if unclaimed for want of valid claimants require protection therefore

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boorse,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 690, Printer's No. 532, was passed over at the request of Mr. TAYLOR.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1243, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 623, entitled:

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Yeakel,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1130, entitled:

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of in-

surance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1262, entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" excluding proceeds of life insurance policies from the provisions thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1260, entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine

hundred thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" excluding proceeds of life insurance policies from the provisions thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1062, Printer's No. 528, was passed over at the request of Mr. HESS.

There being no objection House Bill No. 1203, Printer's No. 535, and House Bill No. 1144, Printer's No. 552, were passed over at the request of Mr. DAVID P. REESE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1248, entitled:

An Act to amend section one of the act approved the thirteenth day of April one thousand eight hundred and sixty-seven (P. L. 78) entitled "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth" designating the counties in which prosecutions may be brought

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1250, entitled:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 939) entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children prescribing a penalty therefor and making the wife or any person having the care custody or control of minor children a competent witness" designating the counties in which prosecutions may be brought

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 642, Printer's No. 542, was passed over at the request of Mr. BRUNNER.

There being no objection House Bill No. 1405, Senate Bill No. 317, Printer's No. 142, was passed over at the request of Mr. WOODSIDE.

SENATE MESSAGE AND BILL TAKEN FROM TABLE

Mr. WOODSIDE. Mr. Speaker, I move that the message from the Senate and House Bill No. 318, which were laid on the table be taken from the table.

The motion was agreed to.

The Clerk read the message as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 318.

An Act to re-enact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously re-enacted and amended by eliminating ground rents from list of taxable personal property providing for the apportionment in certain cases of the taxes imposed by the act defining clarifying and limiting certain exemptions and continuing the State personal property tax for a further limited period of time.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, lines 6 and 7, by striking out the words "providing for the apportionment in certain cases of the taxes imposed by the act;" also line 8, by inserting after the word "exemptions' the following: "exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or nonprofit corporations from the tax imposed by section seventeen of said act;" also line 8, by inserting after the word "tax" the words "and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations."

Amend Section 1, page 4, line 19, by inserting after the word "capacity" the following: "except as executor or

administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual;" also page 6, line 2, by striking out the word "twenty-first" and inserting in lieu thereof the word "first;" also page 7, line 22, by inserting after the word "manner" the following: "except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual;" also page 8, line 10, by inserting a light-faced bracket before the word "and"; also same page, line 11, by inserting a light-faced bracket after the word "Commonwealth"; also same page, line 22, by inserting a light-faced bracket before the word "and"; also same page, line 23, by inserting a light-faced bracket after the word "Commonwealth"; also page 9, by striking out all of lines 1 to 13 inclusive as follows: "Where property of the classes taxable under this section is owned held or possessed by two or more individuals or corporations or both in their own right or as active trustees agents attorneys in fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and one or more of such individuals or corporations are nonresidents or are located outside of this Commonwealth the tax imposed by this section shall be apportioned according to the number of such individuals or corporations who or which are residents of or are located in this Commonwealth"; also page 21, by striking out at the beginning of line 1 the word "with" and inserting in lieu thereof the word "which"; also page 23, line 9, by inserting after the word "therein" the words "except first class or nonprofit corporations" also page 24, by striking out in lines 12 to 24 inclusive the following: "Where property of the classes taxable under this section is owned held or possessed by two or more individuals or corporations or both in their own right or as active trustees agents attorneys in fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and one or more of such individuals or corporations are nonresidents or are located outside of this Commonwealth the tax imposed by this section shall be apportioned to the number of such individuals or corporations who or which are residents of or are located in this Commonwealth Whenever" and inserting in lieu thereof the words "Provided That whenever;" also page 27, line 27, by inserting after the word "manner" the following: "except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual;" also page 28, by inserting at the end of line 4, after the word "purposes" the following: "and provided further that the provisions of this section shall not apply to personal property of the classes hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created or existing under the laws of this Commonwealth or doing business within this Commonwealth as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth or any such property whatsoever owned held or possessed by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created and existing under the laws of this Commonwealth or doing business within this Commonwealth in the capacity of executor or administrator of a nonresident decedent or as trustee agent or attorney-in-fact for any resident or nonresident religious charitable scientific literary or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I understand this bill is commonly known as the four mill personal property tax bill. When this bill was enacted in the 1935 and 1937 sessions, the Commonwealth then was not confronted with the decision that has been recently handed down by the Supreme Court of the Commonwealth of Pennsylvania in re the personal property tax assessed against the Dorrance estate, No. 444, January, 1938, in which the Supreme Court of the Commonwealth of Pennsylvania took original jurisdiction. It seems that of the trustees established under the will in the Dorrance estate, three in number, two resided in the Commonwealth of Pennsylvania, and the third, who was a corporate trustee, resided outside the borders of the Commonwealth. The trustees met in order to conduct their business outside of the Commonwealth of Pennsylvania and the majority opinion of the Supreme Court held that since the trustees were meeting outside of the Commonwealth of Pennsylvania, and since the personal property tax act did not provide a specific method of allocating the tax where some of the trustees lived outside the Commonwealth, therefore, there would be no tax whatever assessed against the personal property of the estate.

Justice Maxey wrote a very illuminating minority opinion in the matter and needless to say relative to the majority opinion:

> "The majority opinion as I interpret it, then comes down to this: Since the statutes of Pennsylvania do not expressly provide for proportional assessment of trust property held by trustees respectively domiciled in different jurisdictions, that trust property can be taxed only in the jurisdiction where the trustees meet to administer the trust. I can find no warrant whatever under our Pennsylvania law for such a judicial holding. Our taxing laws say nothing about the administration of a trust. Our taxing laws are not concerned as to where trustees meet to administer the trust committed to their keeping. They might meet in Florida or on a vessel at sea or elsewhere. The law says:"

Then it goes on to quote the act. Nevertheless, the House Committee, being concerned with the law as the majority of the Supreme Court has interpreted it, inserted into the personal property tax act, and very properly, a clause defining the proportionate amount of the tax that should be assessed in a situation such as this. That suggested amendment came from the majority side of the House.

This amendment inserted by the majority corrected the existing law so that the exigencies that were created by the majority opinion of the Supreme Court would be

overcome and in that form the four mill personal property tax passed this House. While it was in the Senate, and the bill we now have was passed by the Senate they deleted from the bill that particular paragraph that would guide the taxing officials of the Commonwealth in the assessment of the proportional tax, and in that amendment we are asked to concur.

I am concerned, as all members of the House are concerned, with the stability of the budget of the Commonwealth of Pennsylvania. The personal property tax act has been enacted in the past two sessions and will probably be re-enacted in this session to meet the particular problem of providing sufficient moneys for the Commonwealth of Pennsylvania to assume its obligation to the people of the Commonwealth of Pennsylvania.

Concurring in an act that has in it a possible loophole through which evasions of the tax collector are possible, is passing a taxation measure that will not give the administration any security or any knowledge of the moneys that the act will provide. I know that with the passage of this amendment to overcome the supreme court's decision, every tax lawyer in the Commonwealth of Pennsylvania, and every personal property estate in which there is a sizeable amount of taxes due, will create trustees, one of which only need live outside the confines of the Commonwealth, and will set up in the trust the meeting place where the meetings are to be held and deprive the people of the Commonwealth of justifiable taxation. The peculiar and most obnoxious feature about this particular act that we are asked to concur in, is the fact that this will be done by the large payers of taxes and the smaller individuals upon whom the personal property tax is a particular burden, will not be able either to set up a trust or pay for advice from high salaried, high priced tax lawyers in order to advise them how to evade this tax. The widow with small holdings, the small tax payer with a few mortgages will not be in a position to evade this tax, but the large taxpayers who are contributing large sums of money in personal property tax will by this device, and its legality has been upheld by the highest court in this Commowealth, immediately, resort to that opinion and avoid the payment of large sums of taxes.

If I had the figures to quote to this House, I would show the membership that the personal property tax, while it is collected from hundreds of thousands of taxpayers in the Commonwealth of Pennsylvania, the largest proportion in amount of tax comes from taxpayers who now have an opportunity to evade the personal property tax by resorting to the majority opinion of the Supreme Court.

I say to the membership of this House that while those of the majority have been concerned with the flight of industry from the Commonwealth of Pennsylvania, under the majority opinion of the Supreme Court and the passage of this act in its present form, the Commonwealth of Pennsylvania is going to suffer a flight of capital. Every large holder of securities will evade the payment of the four mills personal property tax and the attending four mills tax due the counties by resorting to this opinion, and they will save on the value of their investment approximately eight mills, one per cent, and every such individual will use the mechanics that have been established by the Supreme Court for that evasion.

I am pleading with the membership of this House to maintain at least the expected income that has been established by four years of this act. I am pleading with the membership of this House not to necessitate the return of this House to make up the very apparent deficiencies in the income of the Commonwealth that will result by the evasion that this act makes possible. I cannot, as a member of this House, recommend to those who are sincerely interested in maintaining some honesty in our budgetary income, that they concur in this particular bill. I would plead with the membership of this House not to concur in the bill. Put the bill in conference and impress upon the Senate the necessity of stopping the great leak of revenue and income from the Commonwealth of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker and members of the House, there are just two points I desire to make concerning this amendment. In the first place, Mr. Speaker, the insertion of that which was put in by the House and taken out by the Senate would in fact result in a tax in addition to that which would be brought about by the reenactment of the four mill tax, and the Governor has desired, as I understand it, to avoid any increase in taxes.

In the second place, there is one point to be made in connection with the apportionment of the tax among trustees who are residents and non-residents of the State, and that is that it might well have a tendency by those who desire to avoid the tax to not make any person in Pennsylvania a trustee and to drive the entire trusteeship out of the State which would in effect be worse upon the business of the State and those who serve as trustees or fiduciaries in any capacity, than if the amendment inserted by the Senate is agreed to. For that reason, I ask the members of the House to concur in the amendment.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I realize the reluctance of the present administration to impose any additional taxes, but this amendment that has been deleted by the Senate is not the imposition of any additional taxes. The amendment deleted by the Senate makes the evasion of this tax possible. Hundreds of thousands of taxpayers, as I have stated before, have paid the four mill personal property tax. Any number of taxpayers up to the present time, where there has been a diversity of citizenship as to the trustees, have paid the taxes. If you do not put in the House amendments, then those trustees, those individuals who heretofore had to pay the tax will resort to the majority opinion and discontinue the payment of taxes.

In the second place, there will be established in the Commonwealth of Pennsylvania means whereby large taxpayers will resort to the establishment of trustees with a domicile outside the Commonwealth of Pennsylvania, with the result that the anticipated revenue and income, based upon the experiences of four years of this act, will not be forthcoming to the Commonwealth. I would not consider closing up a loop hole and a leak in the tax act, which loop hole and leak have been created by the majority opinion of the Supreme Court, an imposition of any new tax. It is merely solidifying and placing the tax on a basis whereby there can be no extensive evasion. I therefore ask the membership of this House not to concur in the amendment inserted by the Senate.

Mr. SWEENEY. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. SWEENEY. Mr. Woodside, if we pass this act, as the Senate requests, will we in the future lose any tax that we might collect from the Dorrance estate?

Mr. WOODSIDE. Mr. Speaker, I understand from the Department of Revenue that the estimate has not been changed as a result of this amendment, so that the tax will be approximately the same. I am not particularly acquainted with the matter and am not able to state what the exact situation is.

Mr. SWEENEY. Mr. Woodside, has the Department of Revenue included in their budget estimate tax revenue from the Dorrance estate?

Mr. WOODSIDE. I cannot say, Mr. Speaker, what they have included in their estimate.

Mr. SWEENEY. Mr. Speaker, isn't it a fact that if we pass the act as originally passed by the House we will collect the tax on the Dorrance estate.

Mr. WOODSIDE. Mr. Speaker, that is problematical. As I understand the situation, that would leave the case open for appeal to the Supreme Court of the United States, and there is considerable doubt as to what the outcome will be.

Mr. SWEENEY. Mr. Speaker, isn't it a fact that if we pass it with the amendment inserted by the Senate, there is no doubt that we will not collect that tax?

Mr. WOODSIDE. Mr. Speaker, I am not acquainted with the details of this particular estate, but from a superficial knowledge of the situation, I think that that may be true.

Mr. SWEENEY. Mr. Speaker, does the gentleman from Dauphin know whether or not that is a fifty million dollar estate?

Mr. WOODSIDE. Mr. Speaker, I do not know that.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I just wish to read into the record a personal letter which I have received from two individuals, whom I consider to be expert tax consultants. I will not mention the names, because of the rule of the House which prevents advertising and "hawking" on the floor of the House. However, I feel that the membership should have the benefit of this letter which is addressed to me, and which reads as follows:

"Dear Herb:

House Bill No. 318 is the reenactment of the State Personal Property Tax. As it went through the House it contained an amendment, which I believe was suggested by the Department of Justice, which would make taxable personal property held by trustees for the benefit of some person, co-partnership, etc., and used as the basis of its taxable, where one or more of the trustees are non-residents, the number of the Pennsylvania trustees as that number bears to the whole. This amendment was an effort on the part of the Department of Justice to overcome the decision rendered by the Supreme Court of Pennsylvania in the Dorrance case. If you will look up that decision, you will find in part Chief Justice Kephart, who wrote the opinion, based the non-taxability of the Dorrance Estate on the absence of any provision in the statute, which would set up a method of apportionment."

I might state that the amendment inserted by the majority did set up a method of apportionment.

"This amendment, which appears on page 9, line 21, Printer's No. 407 of House Bill No. 318, was stricken out by a Senate Committee amendment.

By its failure to attempt to make such personal property taxable an invitation is extended to all Pennsylvania Trusts to remove their securities in trust from Pennsylvania and place them in trust in another state.

It might be brought to your attention that by the exclusion of such an amendment not only does the State lose the four mills tax upon such trusts, but the way is blocked for the counties to attempt to collect their four mills under the County Personal Property Tax Act of 1913."

By not attempting to correct this particular apportionment feature, not only is the budget of the Commonwealth placed in a hazardous position, but each and every county relying for its income on this the tax act will also be jeopardized. I might state that for some period of time the Dorrance Estate did pay taxes and then on appeal to the Supreme Court this particular decision was rendered. I feel sure, with proper taxing methods, safeguarding the recipients of taxes, this leakage should be stopped.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—28

Ackermann,	Muir,	Simons,	VanAllsburg,
Christler,	O'Dare,	Sloan,	Wagner,
Fiss,	Reese, D. P.,	Snyder,	Winner.
Gillette,	Sarge,	Stambaugh,	Wood, H. M.,
Habbyshaw,	Schrock,	Stewart,	Woodside,
Harbeson,	Serrill,	Stockham,	Yeakel,
McKinney,	Shearer,	Taylor,	Turner, Speaker.

NAYS—105

Alspach,	Fauset,	Kowalski,	Rhodes,
Andrews,	Finnerty,	Krise,	Rider,
Auker,	Fisher,	Leisey,	Rooney,
Baker,	Flanagan,	Leydic,	Roseberry,
Balliet,	Fleming,	Lichtenwalter,	Rothenberger
Boles,	Freed,	Long,	Scanlon,
Boney,	Gates,	Lovett,	Schrope,
Boorse,	Gorski,	Madden,	Schwab,
Boose,	Haines,	Malloy,	Seif,
Boyd,	Hall,	Malone,	Sweeney,
Brancato,	Harkins,	Marr,	Tarr,
Bronson,	Haudenshield,	Matthews,	Terry,
Brown, H. S.,	Henry,	McClester,	Thistle,
Brunner,	Hess,	McGarrity,	Thompson, G. R.,
Cadwalader,	Hewitt,	McNally,	Tiemann,
Chervenak,	Hindman,	Mooney,	Tronzo,
Clark,	Hocke,	Moran,	Trout,
Cohen, H. B.,	Hoffman, J. N.,	Moser, F. S.,	Voorhees,
Cooper,	Hoffman, S. K.,	O'Connor,	Walsh,
Cortese,	Holland,	O'Keefe,	Webster,
Curran,	Huntley,	Peale,	Weiss,
Dalrymple,	Imbrie,	Powers,	Welsh, E. B.
Dick,	Jirolanio,	Preston,	Welsh, M. J.,
Dix,	Johnston,	Readinger,	Westrick,
Donahue,	Jones,	Reagan,	Wood, L. H.,
Downey,	Keenan,	Reese, R. E.	Wood, N.,
Falkenstein,	Knoble,	Regan,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1377, as follows:

An Act to suspend the operation of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Water Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The provisions of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties" are hereby suspended until the first day of June one thousand nine hundred and forty-one

Section 2 Existing leases shall not be affected by the provisions of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 704, as follows:

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" changing the eligibility requirements for examination increasing the minimum required ages eliminating the exemption from examination of persons engaged in beauty culture prior to one thousand nine hundred and thirty-three increasing the hours and length of time required for training for students and teachers and managers changing the requirements of beauty culture schools increasing the number of necessary teachers changing the places and dates of examination changing the powers and duties of the Department of Public Instruction increasing the period of notice of hearings and eliminating preliminary notices

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections four and six of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty cultur defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" are hereby amended to read as follows

Section 4 Eligibility Requirements for Examination No person shall be permitted by the department to take an examination to receive a certificate as an operator unless such persons shall be at least sixteen years of age and has been registered as a student and has had training as hereinafter provided in this act in a beauty school duly registered by the department or unless such person shall have been registered and served as an apprentice at least two years as hereinafter provided in this act [Provided however That the department may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish to the satisfaction of the department that he or she has been an operator in the active practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this act] No person shall be permitted to take an examination for a certificate to teach beauty culture or act as a manager of a beauty shop unless such person shall be at least [eighteen] twenty-one years of age and has had at least [eighteen months'] five years' experience as an operator in a beauty shop or has had training in a duly registered school of beauty culture of [fifteen hundred] three thousand hours inclusive of the studies necessary to become an operator

Section 6 Requirements of a School of Beauty Culture No school of beauty culture shall be granted a certificate of registration nor shall any certificate be renewed unless it shall attach to its staff as a consultant a person licensed by this Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours shall establish grades and hold examinations before issuance of diplomas and shall require a day school term of training of not less than one thousand hours within a period of not less than six consecutive months or a night school term of training for a period of not less than twelve [consecutive] months for a complete course comprising all or a majority of the practices of cosmetology as provided by this act and to include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof Provided however That on and after March first one thousand nine hundred and forty the course of training shall be increased by one hundred hours and the minimum time extended by three weeks for day school terms and by five weeks for night school terms and that the course of training shall be further increased and extended by the same number of hours and length of terms on each and every six month period thereafter until the course of training shall be one thousand five hundred hours within a period of nine consecutive months for day school terms and eighteen months for night school terms And provided further That practice upon the public for compensation may be performed by students who have completed at least one thousand hours of their course Such work shall be performed in a separate room especially set aside for that purpose and under the direct supervision of a licensed teacher In no case shall there be less than one teacher to each twenty-five pupils In no case shall there be less than two full time teachers one having the qualifications of a supervisor hereby defined as having a verified record of two years of experience as a teacher or three years of a combination of experience in teaching and in the practice of beauty culture under license in a licensed school or place of business Any person qualifying on the basis of three years of a combination of teaching and practice must have no less than one year of experience as a teacher The school shall at all times be in charge of and under the immediate supervision of such supervisor

Section 2 Sections twelve and thirteen of said act as amended by section one of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 677) are hereby further amended to read as follows

Section 12 Examinations If the department finds that the applicant has submitted the credentials required by this act for admission to examination and has paid the regis-

tration fee required by this act the department shall admit such applicant to examination and shall issue a certificate of registration to practice as operator manager or teacher as the case may be to those successfully passing the required examinations Every certificate of registration issued by the department shall have attached securely thereto a photograph of the person to whom the same is issued and where a certificate is issued in the name of a corporation it shall have attached thereto the photograph of the manager thereof Such photographs shall be furnished by the applicant for registration and shall be of such size as the department may require The department shall hold public examinations on the third Tuesday in January April July and October in the cities of Philadelphia Pittsburgh Wilkes-Barre Harrisburg and Erie at such hours as the department shall prescribe The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture including ability to teach properly the various practices and theories of beauty culture

Section 13 Powers and Duties of Department The department shall have the power to refuse revoke or suspend licenses or certificates upon due hearing on proof of violation of any provisions of this act or the rules and regulations established by the department under this act or for gross incompetency or dishonest or unethical practices or for performing beauty culture work on Sunday and shall have the power to require the attendance of witnesses and the production of such books records and papers as it may desire Before any certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least [five] fifteen days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose certificate of registration has been so suspended or revoked may after the expiration of ninety days on application to the department have the same reissued to him or her upon satisfactory proof that the disqualification has ceased [Before the department may institute any of the above proceedings it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated]

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 631, entitled:

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons engaging in the care preparatio and embalming of the bodies of deceased persons and providing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following terms as used in this act shall unless the context indicates otherwise have the following meanings

(a) The word "embalmer" shall include any person engaged in the business or profession of embalming or the preservation in any manner of dead human bodies Any person shall be regarded as transacting the business or practicing embalming within the meaning of this act who shall hold himself out as an embalmer or engaged in the business of preserving the dead human body or who shall use in connection with his name the word "embalmer" or any other title intending to imply or designate him as an embalmer or as one engaged in the business of embalming or otherwise preserving the dead human body

(b) The word "board" shall mean the State Board of Embalmers of this Commonwealth

(c) The word "department" shall mean the Department of Public Health of this Commonwealth

(d) The term "student apprentice" shall mean any person operating under or with an embalmer for the purpose of learning such business or profession to the end that he may become a licensed embalmer

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLEMING. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure, for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 697, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much as relates to the Department of Public Instruction of section two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative department boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all depu-

ties and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1865) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Officers The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

* * * * *

In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Barber Examiners
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers

The second section was read as follows:

Section 2 Article four of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 451 The State Board of Barber Examiners shall consist of three members who shall be appointed by the Governor to serve as follows One member for a period of Three years who shall be Secretary of the Board One member for Two years and one member for one year All members of the Board shall serve as the date of such appointment and until his successor has been appointed Each member of the Board of Barber Examiners provided for in this Act shall receive as compensation the sum prescribed by the Department of Public Instruction per day for each day spent in the performance of their duties which however shall not be less than One Hundred Days in any one calendar year for Chairman and the other member of the Board and not less than One Hundred Fifty-six days for the Secretary at the rate of not less than Three days per week The Board of Barber Examiners shall be furnished suitable quarters in the Department of Public Instruction to carry on the duties of their office The first meeting of the Board shall be held within thirty days after their appointment

Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania shall have been a registered barber under the laws of this Commonwealth and shall have continuously followed the occupation of barbering Covering all phases of Scientific Barbering including Bacteriology anatomy of the upper body Histology of the Hair and skin and the scientific manipulation of the muscles of Head and Face in the Commonwealth for a period of at least five years next preceding his appointment and shall be not less than thirty years of age

The board shall elect one of its members as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside

Two members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least two members

On the question,

Will the House agree to the section?

Messrs. FINNERTY and BRONSON. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 451), page 5, lines 21 to 29, both inclusive, by underscoring all of said lines.

Amend Sec. 2 (Sec. 451), page 6, lines 1 to 12, by underscoring all of lines 1 to 11, both inclusive, and the word "appointment" in line 12.

Amend Sec. 2 (Sec. 451), page 5, lines 24 and 25, by striking out the words: "who shall be Secretary of the Board"

Amend Sec. 2 (Sec. 451), page 5, line 26, by striking out the words: "All members" and inserting in lieu thereof: "Each member"

Amend Sec. 2 (Sec. 451), page 5, line 26, by striking out the word: "as" and inserting in lieu thereof: "from"

Amend Sec. 2 (Sec. 451), page 6, lines 1 and 2, by striking out the words: "the sum prescribed by the Department of Public Instruction per day" and inserting in lieu thereof: "fifteen dollars"

Amend Sec. 2 (Sec. 451), page 6, lines 3 to 7, by striking out the following: "which however shall not be less" in line 3, and all of lines 4 to 7, both inclusive.

Amend Sec. 2 (Sec. 451), page 7, line 1, by striking out the word: "continuously"

Amend Sec. 2 (Sec. 451), page 7, lines 2 to 5, by underscoring the words "Covering all phases of" in line 2, and all of lines 3, 4 and 5.

Amend Sec. 2 (Sec. 451), page 7, lines 7 and 8, by striking out the words: "and shall be not less than thirty years of age"

Amend Sec. 2 (Sec. 451), page 7, line 10, by inserting after the part-word "man" the following: "and a secretary who may or may not be a member of the board. The salary of such secretary is to be determined by the board, with the approval of the Superintendent of Public Instruction."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third and fourth sections and title were separately read and agreed to as follows:

Section 3 Section one thousand three hundred ten of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1865) is hereby further amended to read as follows

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Mine Inspectors' Examining Board created by the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred and fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and the amendments and supplements thereto

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 4 The provisions of this act shall become effective immediately upon its final enactment

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commission; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 700, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" by changing the provisions as to fees charged apprentices and students prohibiting advertising of prices by registrants requiring all barber shops to be registered and transferring the administration of several of the provisions of this act to the State Board of Barbers Examiners

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three four and five of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferrnig certain powers and duties on the Department of Public Instruction and providing penalties" which title and sections were amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) are hereby further amended to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the [department] State Board of Barber Examiners hereinafter referred to as the board shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined that a test of his or her blood was made and that he or she is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the department [department] an examination fee of five dollars or such other fee as may be fixed by the [department] board and shall present himself or herself at the next examination of

applicants as hereinafter provided The [department] board shall thereupon proceed to examine such person after being satisfied that he or she is above the age of sixteen years free from contagious and infectious disease has a certificate showing graduation from an eighth grade school or its equivalent and has either (a) studied the occupation for a period of two years covering a period of at least 2500 hours as a registered apprentice under a qualified and practicing barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least six months and served at least eighteen months covering a period of at least 1500 hours as an apprentice with a registered barber Under no circumstances shall a student or apprentice receive wages directly or indirectly for service rendered If the [department] board is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concering the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation and the knowledge of the Barber's Licensing Laws and rules and regulations of the [department] board adopted thereunder it shall enter his or her name in the register hereinafter provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be

For any person to be registered as a teacher in a barber school he must be at least twenty-three years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a registered barber in a registered barber shop or (b) training in a registered barber school of at least fifteen hundred hours in not less than ten months and in addition thereto two years' experience as a registered barber or in lieu of subsections (a) and (b) hereof fifteen years' experience as a barber five years of which experience shall have been as a registered barber in a registered barber shop in this State The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering physiology hygiene elementary chemistry relating to sterilization and antiseptics massaging and manipulating the muscles of the face neck scalp haid cutting bobbing shaving and trimming the beard dyeing the hair and the Barber Laws of this State and the rules and regulations adopted by the [department and advisory committee] board The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars

Every person now managing or who shall hereafter manage a barber shop which has not been heretofore registered shall file with the board an application for the registration of such barber shop which application shall set forth the name and address of the owner of the barber shop and the address of the barber shop for which registration is sought The applicant at the time of filing the application shall pay to the department the sum of five dollars

Section 4 (a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education as determined by an examination conducted by the [department] board and either (1) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registrating barbers as required by this act or (2) can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years prior to making applications in this state shall upon the payment of the required fee be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering Should he fail to pass the examination upon payment of the required fee he may take one other examination if he so desires In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth Provided That such apprentice or student shall apply to the [department] board to have his or her name registered with the [department] board in a book which shall be kept by the [department] board and secure a permit upon the payment of a fee of [one dollar] two dollars which permit shall be valid for two years to practice as an apprentice under a duly registered barber or student under a duly registered teacher such permit to be displayed in front of his or her working chair Students upon graduation from a registered barber school and having served eighteen months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop as hereinbefore specified shall make application for examination at the next regular period specified in this act In case the applicant fails to pass such examination he or she shall secure a new apprentice permit upon the payment of a fee of one dollar which shall be valid until the next succeeding examination.

Apprentice permits not exceeding two to practice as an apprentice barber may be issued at the discretion of the [department] board

On the question,

Will the House agree to the section?

Messrs. FINNERTY and BRONSON. Mr. Speaker, we desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clrek.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 3), page 5, line 14, by underscoring the word "department"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 Section six of said act is hereby amended to read as follows

Section 6 The [department] board shall hold public examinations in March June September and December in the cities of Philadelphia Pittsburg Scranton Harrisburg and Erie at such date as the board shall prescribe

Section 3 Section seven of said act as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) is hereby further amended to read as follows

Section 7 The department [department] shall furnish to each person to whom a certificate of registration is issued a certificate stating that the holder thereof is entitled to practice the occupation of barbering or to teach in registered schools of barbering The holder of such certificate shall display the same in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve

The fourth section was read as follows:

Section 4 Section eight of said act as amended by the act approved the ninth day of May one thousand nine hun-

dred and thirty-five (Pamphlet Laws 158) is hereby further amended to read as follows

Section 8 The certificate shall be renewed on or before the first day of April in each year and the holders of said certificates of registration shall pay to the department [department] the sum of two dollars or such other sum as may be fixed by the department [department] for a renewal card Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of April in each year and who continues the practice of barbering or any of its branches shall on conviction thereof before any magistrate alderman or justice of the peace be subject to a fine of not more than ten dollars to be collected by summary conviction as like fines are collected by law or in case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days Any such person shall have the right of appeal as in other cases of summary conviction

On the question,

Will the House agree to the section?

Messrs. FINNERTY and BRONSON. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Sec. 8), page 8, line 8, by striking out with light-face brackets the word: "first" and inserting in lieu thereof: "thirtieth"

Amend Sec. 4 (Sec. 8), page 8, line 14, by striking out with light-face brackets the word: "first" and inserting in lieu thereof:. "thirtieth"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 Sections nine and ten of said act as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) are hereby further amended to read as follows

Section 9 The [department] board may suspend or revoke any permit or certificate of registration granted by the department it under this act to any person who (a) habitually indulges in the use of ardent spirits narcotics or other stimulants to such an extent as in the opinion of the [department]board incapacitates such person from the duties of a barber (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber (c) performs work in an unsanitary or filthy manner or place of business (d) who is grossly incompetent (e) who conducts his business of barbering on Sundays (f) who displays any price list for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop [section] or who advertises prices by means of signs posters hand bills circulars slides motion pictures radio newspapers magazines or other publications or advertising media (g) unethical or dishonest practice or conduct (h) employing an unlicensed person Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department [department] with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose permit or certificate of registration has been so suspended or revoked may after the expiration of ninety days on application have the same reissued to him or her upon satisfactory showing that the disqualification has ceased except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered

Section 10 The [department] board may adopt reasonable rules and regulations prescribing the sanitary requirements of each barber shop or barber school in cooperation with the Department of Health and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop or school which shall at all times be kept conspicuously displayed in such shop or school It shall be unlawful for any person to open either a new barber shop or move his shop to another place or take over as owner an existing barber shop [or take over as owner an existing barber shop] until he or she has filed an application with the [department] board for the inspection [and] approval and registration of such shop It is further provided that no barber shop may open for business until said inspection has been had and the shop approved It shall be unlawful for any person to sleep in or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering purposes exclusively Any officer or duly authorized agent of the department [department] may enter and make reasonable examination of any barber shop or barber school during the business hours for the purpose of ascertaining the sanitary conditions thereof and ascertaining whether the shop or school and all persons working therein are properly licensed and registered Any barber shop barber school or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the [department] board may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school or the permit hereinafter required for such shop or school or both the certificate and permit

On the question,

Will the House agree to the section?

Messrs. FINNERTY and BRONSON. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 5 (Sec. 9), page 9, line 3, by: underscoring the words "the department."

Amend Sec. 5 (Sec. 9), page 9, line 3, by striking out with light-face brackets the word: "it".

Amend Sec. 5 (Sec. 9), page 9, line 14, by: underscoring the word "prices."

Amend Sec. 5 (Sec. 10), page 10, lines 22 and 23, by: underscoring the words "or take over as owner an existing barber shop."

Amend Section 5, page 9, by striking out of lines 15 to 18, the following: "or who advertises prices by means of signs posters hand bills circulars slides motion pictures radio newspapers magazines or other publications or advertising media."

On the question

Will the House agree to the amendments?

They were agreed to.

On the question

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read and agreed to as follows:

Section 6 Section eleven of said act is hereby amended to read as follows

Section 11 The department [department] shall keep a register in which shall be entered the places to which and the names of all persons to whom certificates of registration or permits for serving apprenticeship or as students are issued under this act which register shall be open to public inspection during the business hours of the department

The seventh section was read as follows:

Section 7 Sections twelve thirteen and fifteen of said act as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) are hereby further amended to read as follows

Section 12 In no barber shop shall there be more than one apprentice who must be at all times under the supervision of a barber authorized under this act to practice such occupation All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School" Any copartnership corporation or person desiring to operate or conduct a barber shop or barber school shall first secure from the department [department] a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The [department] board may pass upon the qualifications appointments and course of study in said school which shall be not less than six months All barber schools shall have not less than one registered teacher for every twenty students and in no case less than one full-time teacher who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto graduation from an eighth grade school or its equivalant as determined by an examination conducted by the department [department] and it shall attach to its staff as a part-time teacher a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven nor more than eight hours per day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than one thousand hours for completion in not less than six months and shall comprise all of the subjects pertaining to barbering the barber laws of this State and the rules and regulations adopted by the [department] board and shall include practical demonstrations and theoretical studies and studies in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such treatments

Section 13 To shave or trim the beard to cut hair to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical appliances to singe and shampoo the hair or apply any makes of hair tonics and to dye hair of any person for compensation direct or indirect the person performing such service shall be construed as practicing the occupation of barber within the meaning of this act No person shall practice or attempt to practice barbering for compensation directly or indirectly in any place other than a registered barber shop except that any registered barber in a registered barber shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness incapacitation confinement and other emergencies Provided however That nothing contained in this section shall be construed to include hospitals or colleges and private schools for children so-called beauty shops or hair-dressing parlors or schools of beauty culture except that it shall be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the department [department]

Section 15 Any barber apprentice or student who shall pratice the occupation of barber while suffering from contagious or infectious disease or who shall knowingly serve any person afflicted with such disease shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars or undergo an imprisonment not exceeding thirty days or both at the discretion of the court

Any barber apprentice or student who shall infect any person or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such occupation shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding six months or both at the discretion of the court

Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances not inconsistent with the provisions of this act or the rules and regulations adopted therunder as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools and any municipality shall have power by proper ordinances to fix the days and hours during which barber shops in the said cities may be open for business All municipalities with proper Ordinances shall have power to enforce the provisions of the Barber Act 202 Pamphlet Law 589 as amended

It shall be unlawful

(a) To own manage operate or control any barber shop unless continuously hot and cold running water be provided for therein except in communities lacking such facilities

(b) To own manage operate or control any barber school or part or portion thereof whether connected therewith or in a separate building wherin the practice of barbering is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work is done by students exclusively

(c) To own manage control or operate any barber shop unless the same displays a recognized sign indicating that it is a registered barber shop which shall be clearly visible at the main entrance to said shop

(d) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop

The [department and advisory committee] board shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act

The department shall employ at least five inspectors who shall be required to devote their entire time to the inspection of barber shops and to the enforcement of the provisions of this act All inspectors or investigators of Barber Shops shall be qualified Barbers each of whom shall have been continuously engaged in the practiec of barbering in the State of Pennsylvania and a citizen of the United States for a period of not less than five years immediately prior to their appointment and shall be appointed by the Governor

Any person who shall violate any of the provisions of this act except as herein otherwise provided shall upon summary conviction thereof be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars or to undergo an imprisonment of not less than ten days nor more than sixty days or both at the discretion of the court Any such person shall have the right of appeal as in other cases of summary conviction

On the question,

Will the House agree to the section?

Messrs. FINNERTY and BRONSON. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 7 (Sec. 15), page 15, lines 21 to 24, by: underscoring the words "All municipali-" in line 21, all of lines 22 and 23. and the words "as amended" in line 24:

Amend Sec. 7 (Sec. 15), page 17, line 1, by: underscoring the word "department".

Amend Sec. 7 (Sec. 15), page 17, lines 4 to 10, by striking out the following: "All inspectors" in line 4, all of lines 5 to 10, both inclusive, and inserting in lieu thereof: "All inspectors or investigators of barber shops shall be qualified barbers who have practiced barbering in the State of Pennsylvania for a period of five years immediately preceding their appointment and must be citizens of the United States.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students; prohibiting advertising of prices by registrants requiring all barber shops to be registered and transferring the administration of several the provisions of this act to the State Board of Barbers Examiners.

On the question,

Will the House agree to the title?

Messrs. FINNERTY and BRONSON. Mr. Speaker, we desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title by striking out of lines 12 and 13, after the word "students", the following "prohibiting advertising of prices by registrants."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 737, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

The first to the sixth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section two of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) is hereby further amended to read as follows

Section 110 Where any school district is abolished and its land reverts to or becomes a part of two or more school districts or where any land heretofore annexed to one school district is made a part of the district in which it is located or where a new district is made by the creation of a new city borough township or independent school district out of one or more school districts or where the boundary lines of any district are changed by the changing of the boundary lines of any city incorporated town borough or school district or where any part of any school district is merged with any other district or districts or parts thereof as hereinafter provided then in any such case the school districts to which land has been annexed or from which land has been taken or which have been newly created shall make a just and proper adjustment and apportionment of all school property real and personal including funds as well as indebtedness if any to and among such school districts Such adjustment and apportionment shall be made as of the date of the decree or order creating such new city borough township or school district or of the decree of the court or vote of the elctors affecting such annexation or merger The indebtedness of any school district hereby abolished whose land is wholly within the boundaries of any school district hereby established shall be assumed and paid and all its personal property acquired by such school district

Such adjustment and apportionment shall be made in the manner and subject to the limitations prescribed in sections one hundred and eleven to one hundred and fifteen both inclusive of this act

Section 2 Article one of said act is hereby amended by adding at the end thereof the following new sections

Section 132 The State Council of Education shall as soon as possible adopt and prescribe standards and regulations for the merger of school districts or parts thereof Such standards and regulations shall take into consideration the following factors Topography density of population community interests facility of transportation of pupils financial ability of the district school organization and existing school plants Such standards and regulations may be revised from time to time by the State Council of Education as the need therefor appears

Section 133 Whenever the county board of school directors and the board of school directors of each of the school districts affected of any county shall deem advisable said boards with the advice of the county superintendent and pursuant to the standards and regulations promulgated by the State Council of Education shall prepare and submit to said council a plan for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units

Section 134 Upon the approval of said plans for the merger of school districts or parts of school districts by the State Council of Education it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county In case such districts or parts of districts are situated in two or more counties the petitions shall be presented to the court of common pleas of the county in which the largest part in area of the land affected is situated which court shall have exclusive jurisdiction over the matter

The petition for any such merger shall request the submission of the question of such merger to the electors of each district affected thereby at the next general or municipal election to be held at least ninety (90) days after the presentation of said petition The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of each district affected thereby Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions If a majority of the electors of each school district voting therein shall be in favor of said merger as shown by the returns of said election a certificate of the returns shall be filed with the Superintendent of Public Instruction the prothonotary of the court of common pleas the county board of school directors and the board of school directors of each of said school districts and the merger shall become effective on the first Monday in July next succeeding said election But such merger shall be effective as to only those districts in which a majority of the electors voting on the question shall have assented to said merger

Section 135 In any instance in which a school district is merged with another district or districts by the terms of this act the directors then in office in each of said districts shall continue in office until the expiration of their respective terms and shall jointly constitute the board of school directors of the resulting merged school district At the first municipal election after such a merged school district is created and at each subsequent municipal election there shall be elected in such resulting merged school district the same number of school directors and for like terms as is provided by law for school districts of the class to which such resulting merged school district belongs so that upon the expiration of the terms of the directors of the former districts which were merged the board of school directors of such resulting merged district shall be composed of the same number as in other districts in said class

Section 136 Whenever any school district shall be merged with any other district or districts as herein provided all the debts and liabilities of the several districts shall become the debts of the merged school district unless otherwise provided by an agreement in writing approved by a majority vote of each board of school directors prior to the time said question of merging is submitted to the voters All rights of creditors against any of the districts shall be preserved against the merged school district All property heretofore vested in the several districts shall become vested in the merged district and all debts and taxes owing to the districts uncollected in the several districts and all moneys in the treasuries of the several districts shall be paid to the treasurer of the new district

In each case where only a part of a district is merged the distribution of assets and liabilities of the part merged and the part not to be merged shall be determined by written agreement by the county board and the board of the district affected before the question is submitted to the electors

Section 3 Section eight hundred and four of said act is hereby amended to read as follows

Section 804 The officers of the county board of school directors shall be the officers of the annual convention of school directors of the county [When the school directors have assembled in such annual convention they shall elect from among the directors coming from school districts under the supervision of the county superintendent the following officers to wit a president two vice-presidents a secretary and a treasurer which officers shall serve until the end of the next annual convention of school directors in said county or until their successors are chosen] and each of said officers shall perform such duties as may be assigned to him and as usually devolve upon such official Every school director of a district under the supervision of the county superintendent attending such convention shall have the right to vote in the election of [said officers] members of the county board of school directors

Section 4 Sections eight hundred and nine eight hundred and ten eight hundred and thirteen and eight hundred and fourteen of said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) are hereby amended to read as follows

Section 809 [There is hereby created] In each county under the supervision of a county superintendent [a] the county board of school directors [The membership of the first board so created] shall [consist of the members of the executive committee chosen at the annual convention of school directors held during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight (1937-1938)] perform the duties heretofore vested in the executive committee of the annual convention of school directors of the county

Section 810 The term of office of the members first chosen for the said county board of school directors shall be determined as follows Immediately after they are chosen at the annual convention of school directors held during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight (1937-1938) they shall meet and qualify by taking an oath of office They shall then determine by lot which one of their members shall serve until the first day of July one thousand nine hundred forty-four which two shall serve until the first day of July one thousand nine hundred forty-two and which two shall serve until the first day of July one thousand nine hundred forty Thereafter members of the said county board of school directors shall be elected at the annual convention next preceding the expiration of their respective terms of office and shall serve for terms of six years or until their successors are chosen All vacancies occurring by reason of death resignation removal from the county or otherwise [except by the expiration of a term] shall be filled by a majority vote of the remaining members of the county board of school directors The person elected to fill such vacancy shall hold his office until the next annual convention at which a successor shall be elected for the balance of the unexpired term

No person shall become or be re-elected as a member of the county board of school directors unless he at the time he is chosen holds the office of school director within the county A vacancy shall occur upon the removal of the residence of any member of the county board from the county or from a district under the jurisdiction of the county superintendent

Any member of the county board of school directors may be removed in the same manner and for the same cause as provided by law for removal of members of boards of school directors in the several districts of this Commonwealth

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts to be used after the first day of July one thousand nine hundred thirty-eight

(c) [Subject] To apportion subject to the approval of the State Council of Education [to apportion] the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred

thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school sites and buildings by the State Council of Education

[(e) In accordance with standards and regulations set up by the State Council of Education and subject to the provisions of this act to prepare plans and to present the same in a petition to the court of common pleas of the county whereby all school districts which employ no teacher for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be immediately merged with other districts and all school districts which employ ten teachers or less for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven shall subject to the provisions set forth in clause (b) of section one hundred and eight of this act be merged with other districts on and after July first one thousand nine hundred forty-one also to prepare and submit to the State Council of Education plans for additional reorganization of school districts and attendance areas the first draft of which plans shall be submitted on or before the first day of January one thousand nine hundred thirty-nine and supplemental drafts of plans shall thereafter be submitted at such intervals as requested by the said council]

(e) To prepare plans for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units and to submit the same to the State Council of Education and to the court of common pleas in accordance with the provisions of this act

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

(j) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100.00) per annum except upon the approval of the court of common pleas of the county The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

Section 5 Section one thousand one hundred and thirty-three of said act is hereby amended to read as follows

Section 1133 The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subject to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent

After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the county board of school directors

Section 6 Section two thousand six hundred and fifteen of said act as amended by section ten of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) is hereby further amended to read as follows

Section 2516 . In all school districts of the second third and fourth class in this Commonwealth the auditor's report of the finances of the district for the preceding year as made by the auditors herein provided shall be filed with the board of school directors and entered on the minutes of the board by the secretary thereof In all school districts under the direction of a county superintendent the auditor's report shall be inspected by the county board of school directors and shall be signed and forwarded to the department by the county superintendent and in addition to all copies now required by law a copy of such report shall be filed with the county board of school directors which copy shall be retained by the board

The seventh section was read as follows:

Section 7 Clauses (b) and (c) of section one thousand and eight as added by section one of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) are hereby repealed

On the question,

Will the House agree to the section?

Mr. SNYDER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 7, page 13, line 14, by inserting after the word "hereby" the following: "specifically."

Amend Sec. 7, page 13, line 15, by inserting after the word "repealed' the following: "and all other laws and parts thereof inconsistent with the provisions of this act are hereby repealed."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth and ninth sections and title were separately read and agreed to as follows:

Section 8 The merger of any school district with another district or districts prior to the effective date of this act is hereby ratified and confirmed and is hereby constituted a valid merger under the terms of this act notwithstanding the fact that at the time of such merger there may not have existed any valid legislaiton authorizing such merger The provisions of this section shall not apply to any merger which has been set aside by judicial action or which has been made the subject of litigation in any court of the Commonwealth instiuted prior to the passage of thes amendments and still pending and undetermined

Section 9 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-nine

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1060, as follows:

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity regulating actions on such instruments and execution on judgments obtained in such actions and excepting certain actions from the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Where an instrument contains or a person adds to his signature thereto words indicating that he contracts or signs in his capacity as fiduciary and such words disclose the estate or trust for which he so contracts or signs he shall not be personally liable on the instrument unless it contains an express provision that he shall be personally liable and in the absence of such a provision any action on the instrument shall be brought against such person only in his fiduciary capacity or against his successor in such capacity and execution upon any judgment obtained in any such action shall be had only against the assets and property in the hands and possession of such person or his successor as fiduciary and not against his own assets or property

Section 2 (a) The word "instrument" as used in this act shall include every agreement note bond mortgage extension of mortgage warrant of attorney and every other instrument in writing of any kind

(b) The word "person" as used in this act shall include a corporation partnership association bank bank and trust company trust company title insurance company and national banking association as well as a natural person

(c) The word "fiduciary" as used in this act shall include an executor administrator guardian committee receiver trustee assignee for the benefit of creditors and any person acting in any similar capacity

(d) The sigular shall include the plural and the masculine shall include the feminine and neuter

Section 3 If any provision of this act shall be held to be invalid or unconstitutional by any court of final jurisdiction as applied to any particular instrument or group of instruments the Legislature hereby declares its intent to be that such provision shall thereupon become inoperative and inapplicable as to such instrument or group of nstruments but shall remain operative and applicable as to all other instruments

Section 4 This act shall become effective immediately upon its final enactment and it shall apply to all instruments executed either before or after such final enactment Provided however That it shall not be applicable in any action instituted prior to July 1 1939 on an instrument executed prior to such final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1075, as follows:

An Act to repeal the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties" saving existing leases until terminated or revoked in accordance with their terms

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties" is hereby repealed

All leases granted under the provisions of said act shall continue in force until terminated or revoked in accordance with the terms thereof but no such lease shall be renewed or extended

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1204, as follows:

An Act to amend sections two three four five and six of the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 258) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" exempting riparian owners in certain cases from the provisions of said act changing the provisions of said act which declare void certain condemnations and appropriations of waters and further regulating the condemnation appropriation and acquisition of streams and waters by municipalities corporations quasi municipal corporations districts authorities partnerships and persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two three four five and six of the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 258) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" are hereby amended to read as follows

Section 2 Any condemnation or appropriation of waters heretofore made by any municipality corporation copartnership or person heretofore authorized to condemn water which appropriation has not been followed by an actual taking [of the larger part of the low water flow thereof] heretofore or within a period of [two (2) years] one (1) year after the effective date of this act is hereby declared null and void and of no effect [except as to that part thereof actually taken] Where condemnation proceedings are pending in any of the courts of this Commonwealth at the date when this act becomes effective the actual taking [of the larger part of the low water flow] of the water shall be within one year following the final determination of such proceedings otherwise the condemnation shall be null and void and of no effect [except as to that part thereof actually taken]

Section 3 No condemnation or appropriation of water heretofore made under the power of eminent domain claimed by any municipality corporation copartnership or person authorized to condemn and appropriate water shall be valid or binding unless within twelve (12) months or such further time as the board may grant after the date of approval of this act said municipality or corporation shall produce the record upon which such appropriation or condemnation is founded or prove to the satisfaction of the Water and Power Resources Board that such condemnation was lawfully made in accordance with law at the time said condemnation and appropriation was made and shall thereafter file a transcript or certificate of the resolution or record upon which said condemnation or appropriation is claimed duly acknowledged by the secretary and president of the municipality corporation copartnership or person in the office of the Water and Power Resources Board In cases where water has been acquired otherwise than by condemnation the municipality corporation copartnership or person shall file with the board a statement setting forth the manner in which the water has been acquired or on what its claim therefor is based Any party aggrieved by a decision of the Water and Power Resources Board may within sixty (60) days appeal therefrom to the court of common pleas of Dauphin County and the taking of such appeal shall operate as a supersedeas

Nothing contined in this section shall be construed to apply to the use of water from any river or stream by a riparian owner which is not used by such riparian owner for the purpose of supplying water to the public

Section 4 Hereafter no condemnation [or] appropriation or other acquisition of streams or the waters thereof [for public water supply] shall be [made] instituted by any municipality [or] corporation quasi municipal corporation district authority partnership or person [possessing the power of eminent domain] except as follows

Any such municipalities [or] corporations quasi municipal corporations districts authorities partnerships or persons desiring to condemn [or] appropriate or acquire new or additional water [for public supply purposes] for present [and] or future needs shall first made application to the Water and Power Resources Board for leave to acquire designated waters appropriated to the Commonwealth by this act setting forth

1 The present source or sources from which water is now taken listing the streams and the quantity of water appropriated therefrom designating as near as may be the point or points from which water is taken or used and the amounts of water stored

2 The necessity for such new or additional source of supply and the river stream or other body of water from which it is proposed to be taken

3 The location and the population needing the supply

4 The amount of water which it is proposed to take

5 The plans for development of the water resources of the streams to maintain the stream flow and to utilize flood runoff including the capacities of any proposed impounding reservoirs

6 The names and addresses of the lower riparian owners who may be affected by the proposed developments

7 Such other provisions as the Water and Power Resources Board shall deem necessary

Section 5 The Water and Power Resources Board shall upon such application make such investigation as may be necessary and grant such hearing as may be required

The Water and Power Resources Board is hereby given authority upon such application to grant leave to acquire such part of the waters appropriated to the Commonwealth by this act to any [such municipality or corporation] applicant as said application and the investigation thereon may show to be reasonably necessary to the purpose of the application

Section 6 All permits to acquire such waters of this Commonwealth appropriated by this act hereafter granted by the Water and Power Resources Board under this or any other law of this Commonwealth [for public water supply purposes] shall be for such term or terms and shall embody such conditions and stipulations as the board may deem necessary and proper to protect the present and future interests of the Commonwealth and its people in the use and distribution of its water resources

The board shall have the further power to revoke any such permit in case the source of water supply applied for is not developed in the manner set forth in the application or required by the permit of the board or if the work is not begun or completed within the time fixed by the board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 909, as follows:

An Act to amend sections nine ten twelve and sixteen of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended regulating the use of impounded waters in Federal flood control works and improvements restricting the power of eminent domain providing for the payment of the cost of Federal works and improvements conferring powers on the Water and Power Resources Board and further preserving rights of landowners persons and municipalities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections nine ten twelve and sixteen of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 10¢) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off the benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and

the Department of Highways" as reenacted and amended by the act approved the tenth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 43) are hereby further amended to read as follows

Section 9 Powers and Duties in Connection With Federal Works and Improvements In addition to the powers hereinbefore granted the board is hereby empowered and directed for and in behalf of the Commonwealth and its subdivisions to aid assist and cooperate in the carrying out or any Federal flood control program or plans and for such purposes shall have all of the powe . conferred and shall be subject to all the limitations imposed by this act including the approval of plans as provided in this act with respect to the State-created flood control districts and the execution of the official plans for such districts and all other powers consistent therewith necessary or required in order to enable the Commonwealth to participate in and receive the benefits of any Federal flood control program or plans in this Commonwealth subject to all the limitations imposed by this act It shall have power among others to enter into and execute any and all contracts and agreements with agencies of the Federal Government and to do and perform all acts necessary in connection therewith and to assist and cooperate in constructing erecting financing maintaining using and operating any Federal public flood control works and improvements and to enter into and execute such contracts as may be deemed necessary and convenient to the exercise of the powers rights privileges and functions conferred by this act It shall have power to obligate the Commonwealth to pay a portion of the cost of such Federal flood control works and improvements not however exceeding amounts of money available for such purposes

The board may not approve or consent to the use by the Federal Government of the waters impounded in any Federal flood control reservoir for a purpose other than flood control or for the control preservation and regulation of the flow of rivers and streams unless the General Assembly shall have first consented thereto

The board is authorized and directed to conform and comply with all rules regulations and requirements of the Federal Government and its agencies and instrumentalities subject to the limitations imposed by this act

Section 10 Contracts and Acquisition of Property All work of any character whatever performed by the Board under the authority of this act except as hereinafter provided in conncetion with any State public flood control works and improvements involving an expenditure of more than one thousand dollars shall be performed under written contract let by the board to the lowest responsible bidder after due advertisement as prescribed by the board except however that the board may enter into contracts or agreements without advertisement with any person corporation or municipality covering the removal or relocation of gas water and telephone telegraph electric light and electric power lines highways railroads or other facilities and providing therein for said removal or relocation by the person corporation or municipality owning such facility The board may acquire any necesary easements and rights-of-way and may pay all costs and damages necessary arising from and incidental to said removal or relocation Payment shall be made from the fund

The board may sell lease [and] or otherwise dispose of [land buildings or other property] all property real personal or mixed acquired under the provisions of this act not needed by the Commonwealth for reservoir or flood control purposes subject to the approval of the Governor The moneys received through such sale lease or other disposition shall accrue to the fund

Section 12 United States Not to be Liable Federal Rules and Regulations All lands rights in lands rights-of-way and water courses acquired under the authority of this act for State or Federal flood control works and improvements [shall] may be acquired [without] at the cost of the Commonwealth or of [to] the United States or such costs may be shared as may be agreed upon [and no moneys made available for flood control in this Commonwealth by the United States shall be used for such purposes unless in either event the Government of the United States or any of its agencies or instrumentalities shall first consent thereto nor shall the Government of the United States be deemed liable for any damages by reason of its contribution arising in connection with the construction of any State or Federal public works or improvements] No lands easements or rights of way title to which is in the Commonwealth shall be acquired directly by the United States for flood control purposes unless the board shall have first consented thereto on behalf of the Commonwealth The Commonwealth hereby agrees that after such State public works and improvements are constructed where the Federal Government has contributed the same will be operated and maintained in accordance with all rules and regulations prescribed by the Secretary of War of the United States subject to all the limitations imposed by this act

Section 16 Water Power Supply The rights of landowners municipalities and persons to the waters in a flood control district or in waters affected by any State or Federal flood control works or improvements for domestic use water supply industrial purposes water power or for any other lawful purposes shall [extend only to such rights as are owned or possessed by them prior to the adoption of the official plans of such flood control works and improvemnts and to such use as could be made of such waters if the public improvements and works herein authorized had not been made] be affected or impaired only to the extent necessary for flood control and to preserve control and regulate the flow of rivers and streams or other purposes as may be specifically authorized by the General Assembly Whenever such public improvements and works make possible a greater better or more convenient use of or benefit from the waters in a flood control district the right of such greater better or more convenient use of or benefit from such waters shall be the property of the Commonwealth saving he rights of the Federal Government as to navigation Such rights may be leased sold or assigned only as the Legislature may hereafter provide but at all times the primary purpose of flood control shall be preserved All lands or property or both through or over which or bounding which are streams the beds of which streams are the property of the owners of said lands shall not be deprived of such reasonable flow of water as shall be determined and fixed by the board as necessary for the maintenance of fish and aquatic life and for domestic and industrial use and consumption

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 272, as follows:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws and parts of acts relating to elections" by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) en-

titled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 531 Compensation for Rent Heat and Light The county board of elections shall fix the compensation for rent heat light and janitorial services to be paid for the use of polling places for primaries and elections Provided however That no compensation for rent heat or light shall be paid in the case of school houses [fire houses] municipal buildings or rooms or other public buildings used as polling places

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 879, as follows:

An Act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto and giving a right of action against such political subdivision for the recovery of such taxes and fees upon their failure to make such refunds making the provisions of the act retroactive and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into the treasury of any political subdivision directly or indirectly any tax or taxes on real or personal property or any license fee or fees under an assumption that such taxes or license fees were due and owing when in fact such taxes or license fees or a part thereof were not due and owing to the political subdivision then in such cases the authorities of the political subdivision upon due proof of any such erroneous or inadvertent tax or license fee payments are hereby directed to draw their warrant on the treasurer of such political subdivision in favor of such person or corporation to make refund out of the public funds of such tax or taxes or license fee or fees to which the political subdivision has no valid claim

The provisions of this act shall be construed to include taxes paid upon real estate assessments which erroneously contained buildings which had been previously destroyed or torn down but whose destruction was not noted by the assessors and was included in the assessment

Section 2 In the event of refusal or failure on the part of the authorities of the political subdivision involved to make any such refund of taxes or fees so erroneously paid into the treasury thereof then the aggrieved person or corporation shall have the right to recover the sum involved by instituting an action in assumpsit in any court of competent jurisdiction within the county wherein such political subdivision is located

Section 3 The provisions of this act shall be retroactive and effective as to any and all taxes and fees heretofore erroneously or inadvertently paid into the treasury of any political subdivision

Section 4 The act approved the twenty-first day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 786) entitled "An act authorizing county commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made" and the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1211) entitled "An act to further amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled 'An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury' extending said act to all political subdivisions" are hereby repealed absolutely

All other acts and parts of acts inconsitent with the provisions of this act are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1019, as follows:

An Act authorizing cities of the third class Boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid interest charges and penalties added to any and all delinquent municipal claims imposed or assessed on any parcel or parcels of real estate in the year one thousand nine hundred and thirty-six and all previous years filed by any city Boroughs incorporated towns or townships to recover for the grading guttering macadamizing or otherwise improving the cartways of any public highway for grading curbing recurbing paving repaving constructing or repairing the footways thereof for laying water pipes gas pipes culverts sewers branch sewers or sewer connection therein for assessments for benefits in the opening widening or vacation thereof or in the changing of water-courses or the construction of sewers through private lands or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same may be abated by such city Boroughs incorporated towns or townships upon the payment of the entire face amount of such delinquent claims imposed or assessed on any parcel or parcels of real estate and the costs of filing or of any proceedings therein on or before December thirty-first one thousand nine hundred and thirty-nine

Section 2 This act shall be construed to apply to all such claims whether or not liens for such claims have been filed in the office of the prothonotary of the county or procedings for the collection of such claims have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a judicial sale for the nonpayment of such claim and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at any such sale and where the period of redemption has not expired and the person liable for the payment of such claim shall be made for the payment of all costs incurred in such proceedings except the solicitor's fees

Section 3 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judcial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned claims have been imposed or assessed and levied

Section 4 Any taxpayer shall have the right to pay the delinquent claims imposed or assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent claims imposed or assessed and levied against any other parcel or parcels of real estate in the same ward district or other political subdivision

Upon application either in person or in writing by any person liable for the payment of any such delinquent claims the authorities imposing or assessing and levying such claims or the person or persons charged with the collection of such delinquent claims or the person or persons in whose custody the records of such delinquent claims are kept shall furnish to the person liable for the payment of such claims a statement of the delinquent claims owed by him to such political subdivision showing the face amount the interest charges penalties expenses and fees and costs or other charges in detail such real property as shown by the records in his custody

Section 5 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for nonpayment of such municipal claims before January first one thousand nine hundred and forty and any such sale shall be adjourned or readjourned as often as may be necessary for this purpose If any sale is adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or readjourned sale No such adjournment or readjournment failure to advertise or hold any such sale shall invalidate the lien of any municipal claim due and unpaid but the lien of all such claims shall be fully preserved until February first one thousand nine hundred and forty in order to give the city Boroughs incorporated towns or townships authorities an opportunity to revive any such liens when payment is not made under the provisions of this act Provided however That in every case where a person avails himself of the privileges or benefits of this act the period during which payment of the said delinquent claim is postponed or continued under this act shall not be included in computing and determining whether or not any right of the authority which imposed or assessed such claim has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said authority to file preserve or maintain the lien of the said claim

Section 7 The provisions of this act shall not apply to or in any manner effect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied

Section 8 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby suspended during the time this act shall be in effect

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1200, as follows:

An Act authorizing all counties cities boroughs incorporated towns townships and institution districts to place their respective officers and employes in the State Employes' Retirement Association prescribing the procedure to be followed and authorizing a special tax to pay the expenses incident thereto placing certain duties upon the State Treasurer and the fiscal officers of the said municipal units prohibiting the future establishment of local pension or retirement systems and providing in certain cases for the discontinuance of existing ones

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term "municipal unit" as used in this act shall mean any county city borough incorporated town township and institution district within this Commonwealth

Section 2 The county commissioners of any county the council of any city borough incorporated town or the governing body of any institution district and the commissioners or supervisors of any townships may by proper ordinance or resolution accept the benefits of this act and authorize the employes thereof to participate in or become members of the State Employes' Retirement Association When such action has been taken by any such municipal unit all officers and employes thereof except such officers and employes as may at the time be eligible to participate in any retirement system wholly or in part maintained by the State shall be entitled to membership in the State Employes' Retirement Association

Section 3 Any municipal officer or employe in service at the time of such municipal action may join the State Employes' Retirement Association before the end of the calendar year in which the municipal authority is given or if such period is less than six months then at any time before the end of the next succeeding calendar year Each such member shall be classed as an original member and shall be entitled to a certificate covering prior services either as employe of the State or any county city borough incorporated town township or institution district in the same manner as other original members of the State Employes' Retirement Association

Section 4 Any municipal officer or employe not joining within the time designated in section three may join at any time and become an original member under the provisions hereof upon paying into the retirement association a sum equal to all back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

All officers and employes of any such municipal unit except per diem employes not desiring to qualify or original members shall join the State Employes' Retirement Association and shall be classified as new members

Section 5 If a majority of the members of any annuity or pension association of any such municipal unit hereafter referred to as a local pension association shall express their desire to become members of the State Employes' Retirement Association by signing a petition to that effect the cash and securities of such local pension association shall at once be transferred to the State Employes' Retirement Association and the operation of such local association shall be discontinued The trustees or administrative head of such local pension association shall certify the proportion if any of the funds of the association that represents the accumulated contributions of the members and the relative shares of the members as of that date

Such individual shares shall be credited to the respective members annuity saving fund account in the State Employes' Retirement Association The balance of the funds transferred to the State Employes' Retirement Association shall be offset against the accrued liabilities before determining the contributions to be paid by the municipal unit

Section 6 The existing pensioners of such local pension association who are being paid pensions at the time the

funds of such local association are transferred to the State Employes' Retirement Association shall be continued and paid at their existing rates by the State Employes' Retirement Association the liability on this account shall be included in the computation of the accrued liability to determine the contributions to be paid by the municipal unit

Section 7 The chief fiscal officer of any municipal unit accepting the benefits of this act shall submit such information and perform the duties relative to employes thereof who may become members of the State Employes' Retirement Association corresponding to the information furnished and duties performed by the head of a department in the State service relative to the employes of his department

Section 8 Each municipal unit which accepts the benefits of this act shall be liable to the Commonwealth for and shall pay into the State Treasury the following

(a) All the contributions and payments on account of the officers and employes thereof becoming members of the State Employes' Retirement Association which the State would make if such members were employes of the State The contributions to be paid on account of original members under this act shall be computed in the same manner as the State contributions have been computed on account of the original members who were State employes

(b) The pro rata share of the cost of administration of the State Employes' Retirement Association based upon the respective payrolls

(c) The cost of making the actuarial valuation of the accrued liability on account of the officers and employes of such municipal unit who become original members of the State Employes' Retirement Association

Section 9 The officers and employes of a municipal unit who become members of the State Employes' Retirement Association under the provisions of this act shall make the same contributions thereto and shall be entitled to the same benefits therefrom as they would if they were employes of the State

The contributions of all such members which shall be deducted from their compensation shall be paid to the State Treasurer by the treasurer of such municipal unit

Section 10 The actuary of the State Employes' Retirement Associaiion shall compute the rates of contributions payable by members who are officers or employes of a municipal unit and shall compute the contributions payable by each municipal unit on account of the members who are officers or employes thereof

Section 11 The State Treasurer shall certify to the treasurer of each municipal unit accepting the benefits of this act the amount of all the contributions and expenses for which it is liable to the Commonwealth under this act and all the contributions due from the members of the State Employes' Retirement Association who are officers or employes of such municipal unit

Section 12 All the money paid into the State Treasury under the provisions of this act shall be credited to the proper funds of the State Employes' Retirement Association

Section 13 All costs contributions and expenses which any county city borough incorporated town township or institution district is required to pay under the provisions of this act may be levied and collected as a special tax in the same manner as other taxes are levied and collected

Section 14 No county city borough incorporated town township or institution district shall hereafter establish or permit to be established any pension or retirement system for the officers or employes thereof except as in this act provided

Section 15 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 16 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. HESS from the Committee on State Government reported as committed, House Bill No. 1071, entitled:

An Act to amend sections one thousand two hundred four, and two thousand five, and to repeal section two thousand six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," transferring certain functions of the Department of Highways to the Department of Internal Affairs.

Mr. BONEY from the Committee on Municipal Corporations reported as committed, House Bill No. 1437, entitled:

An Act to amend section one of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands," providing that a judicial sale for the collection of delinquent taxes shall discharge any mortgage recorded after the effective date of this act.

Mr. LICHTENWALTER from the Committee on State Government reported as committed, House Bill No. 1296, entitled:

An Act to amend Sections 518, 532, and 541, Section 802 as amended, Sections 1112, 1156, 1160, 1170, and Subdivision (d) of Article 13, and Sections 1401 and 1525 of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," transferring certain functions relating to the affairs of such townships, heretofore performed by the Department of Highways, to the Department of Internal Affairs.

Mr. BRETHERICK from the Committee on State Government reported as committed, House Bill No. 1185, entitled:

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation

and judicial process; and providing penalties," by further defining State employe.

Mr. BRETHERICK from the Committee on State Government reported as committed, House Bill No. 582, entitled:

An Act abolishing the Pennsylvania Securities Commission; terminating the terms of its members; and transferring its powers and duties to the Department of Banking.

Mr. DALRYMPLE from the Committee on State Government reported as committed, House Bill No. 445, entitled:

An Act to amend section six hundred two of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by making a change in the time of submission of the State budget.

Mr. MUNLEY from the Committee on Mines and Mining reported as amended, House Bill No. 1150, entitled:

An Act to amend paragraph (b) of section three, and section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2461), entitled "An act providing for the qualifications, examination, appointment, term of office, and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines, and the courts; and imposing penalties," by changing qualifications of applicants for examination as inspectors and the average to be attained in examinations to be deemed successful.

Mr. ROYER from the Committee on State Government reported as amended, House Bill No. 138, entitled:

An Act to further amend section two hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by requiring certain qualifications for the Adjutant General.

Mr. ROYER from the Committee on State Government reported as amended, House Bill No. 382, entitled:

An Act to further amend sections two hundred and two and two hundred and thirteen and to add sections one thousand four hundred and twelve and one thousand four hundred and thirteen to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating a Bureau of War Veteran Affairs; requiring the appointment of two Deputies Adjutant General; and prescribing their duties.

Mr. McKINNEY from the Committee on State Government reported as committed, House Bill No. 1378, entitled:

An Act fixing the number, compensation, mileage, and duties of the officers and employes of the House of Representatives; and providing for their election or appointment, term of office, and manner of filling vacancies.

Mr. LYONS from the Committee on Liquor Control reported as committed, House Bill No. 544, entitled:

A Supplement to the act approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled "An act to regulate and restrain the traffic in malt, brewed, and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts" as reenacted and amended by the act approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand eight hundred twenty-seven), by prohobiting the granting of any further retail dispensers licenses or the renewal or transfer of such licenses after the end of the current license year.

Mr. BRUNNER from the Committee on Public Health and Sanitation reported as amended, House Bill No. 878, entitled:

An Act to further amend paragraph four of section one and to add new sections two, three, and four of the act, approved the fifteenth day of June, one thousand nine hundred eleven (Pamphlet Laws, nine hundred seventy-five), entitled "An act providing for the registration of bottles,

boxes, siphons, siphon-heads, tins, kegs, cans, soda-fountains, cylinders of carbonic acid gas, or other containers; and forbidding the refilling of, or dealing or trafficking in, such registered bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, by persons other than the owners thereof, without the written consent of the owner, and imposing a penalty therefor; providing for the issuing of process in the nature of search warrant; providing what shall be prima facie proof thereof; and providing that the delivery of said bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, shall not constitute a sale thereof;" by providing for imprisonment for violations; by providing injunctive relief, and including a severability clause.

Mr. KLINE from the Committee on State Government reported as amended, House Bill No. 903, entitled:

An Act relating to the borrowing of money by certain municipal and quasi-municipal corporations; providing the manner of issuance, sale, and redemption of bonds and notes; creating the Municipal Funding Commission in the Department of Internal Affairs; imposing certain powers and duties upon the Municipal Funding Commission and the officers of certain municipal and quasi-municipal corporations; regulating the manner of funding and refunding obligations of certain municipal and quasi-municipal corporations; and, amending, revising, consolidating, and changing the law relating thereto.

Mr. SARGE from the Committee on State Government reported as committed, House Bill No. 583, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies, and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by abolishing or transferring certain departmental administrative boards and commissions; changing or adding to the personnel thereof; abolishing certain advisory boards and commissions; and transferring or eliminating certain powers and duties.

Mr. STAMBAUGH from the Committee on State Government reported as amended, House Bill No. 791, entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by reinstating certain restrictions as to projects.

Mr. CALVIN from the Committee on Judiciary General reported as amended, House Bill No. 805, entitled:

An Act prohibiting the recording of any broadcast without the permission and consent of the person or persons broadcasting same; and the offering for sale, selling, leasing, licensing or possession of such unlawful recording; and providing penalties therefore.

Mr. FINNERTY from the Committee on Motor Vehicles reported as committed, House Bill No. 545, entitled:

An Act to amend section one thousand and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

Mr. AUKER from the Committee on Municipal Corporations reported as committed, House Bill No. 455, entitled:

An Act to amend sections one, two and five of the act approved the twenty-ninth day of March, one thousand eight hundred and ninety-nine (Pamphlet Laws, twenty-one), entitled "An act to establish a board for the examination of accounts, to provide for the granting of certificates to accountants, and to provide a punishment for the violation of this act;" by providing for the examination and issuance of "Registered Public Auditor" certificates to persons qualified to act as auditors of political subdivisions, and relating to the use and revocation of such certificates.

Mr. AUKER from the Committee on Municipal Corporations reported as committed, House Bill No. 459, entitled:

An Act to amend section five hundred twenty of an act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws twelve hundred six), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" empowering the township commissioners to appoint registered public auditors to act instead of elected auditors or auditors appointed by the Court of Common Pleas; and relating to the powers, duties, compensation, audits and reports of appointed auditors.

Mr. BRETHERICK from the Committee on Liquor Control re-reported as amended, House Bill No. 925, entitled:

An Act to further amend sections two, five, six, seven, thirteen, fourteen, sixteen, nineteen, twenty-one, clauses twelve and thirty-three of section twenty-three, and section thirty of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships. by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," further regulating distributors; providing for hearings and recommendations on retail dispensers' licenses by district boards; vesting additional powers and discretion in the Pennsylvania Liquor Control Board; prohibiting the grant of licenses in certain territory and to places where stores are operated; providing for the advertisement of license applications; regulating appeals from the action of the board and denying appeals in certain cases; regulating the grant, renewal, transfer and revocation and suspension of licenses and amusement permits; increasing retail dispensers' and club license fees; and prescribing penalties.

Mr. LEYDIC from the Committee on Municipal Corporations re-reported as amended, House Bill No. 543, entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by making the provisions of said act mandatory as to all delinquent taxes in counties other than counties of the first and second classes extending such provisions to taxes on unseated lands further regulating the lien of such taxes removing the right to revive extended or continue such liens preserving and extending existing liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

Mr. ELLWOOD B. WELSH from the Committee on Municipal Corporations re-reported as amended, House Bill No. 860, entitled:

An Act to amend sections nine and fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled 'An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rent or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended further regulating the filing of claims for taxes water rents or rates lighting rates power rates and sewer rates removing the right to revive extend or continue the lien of such claims prescribing the time for selling properties for the non-payment of such claims and in certain cases extending existing liens

Mr. TAYLOR from the Committee on Municipal Corporations re-reported as amended, House Bill No. 554, entitled:

An Act validating municipal claims of cities and boroughs or incorporated towns where not filed within the time specified by law.

LEAVES OF ABSENCE

Mr. DENMAN asked and obtained leave of absence for himself for tomorrow.

Mr. Jones asked and obtained leave of absence for Mr. SOLLENBERGER for the remainder of the week on account of illness.

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN for the week on account of illness.

POSITION OF BILLS ON SECOND READING CALENDAR

The CHAIR. If there are no objections, the Chair will instruct the Clerk to place at the head of the second reading calendar, the Liquor control bills, Nos. 1125, 1337 and 925. The Chair hears none, and the clerk will be so instructed.

RESOLUTION

RECALLING HOUSE BILL No. 549 FROM THE GOVERNOR

Mr. HERFERD M. WOOD offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 3, 1939.

Resolved (if the Senate concur), that House Bill No. 549, Printer's No. 269, entitled "An act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' as amended by increasing clothing allowances and requiring a report by commanding officers," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

ADDRESS BY MR. SHEARER

Mr. SHEARER asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I wish to have spread on the record that on April 12, 1939, the Honorable John C. Kunkel, member of Congress from the 19th Congressional District, comprising the counties of Cumberland, Dauphin and Lebanon did cause to have inserted in the Congressional Record a copy of Resolution No. 27, passed by the General Assembly of Pennsylvania, stating its general opinion in regard to the importation of farm

products, and the effect of that importation on the American Farmer.

COMMITTEE MEETINGS

There will be meetings of the Committee on
Counties, Thursday, at 10:30 a. m., in Room A.
Dairy Industries, Thursday, at 10:30 a. m. in Room 325.
Education, Thursday, at 11 a. m., in Room 323.
Game, Thursday, at 9 a. m., in Room 325.
Highways, Thursday, at 10 a. m., in Room 324.
Public Utilities, Thursday, at 10 a. m., in Room 100.
Townships, Thursday, at 12:30 p. m., in Room 418.

There will be a Public Hearing before the Committee on Mines and Mining at 2 p. m., Monday, May 8, in the House Caucus Room.

Republican Caucus at 12 noon, May 4, in the House Caucsus Room.

ADJOURNMENT

Mr. CLARK. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 9:43 p. m.) the House adjourned until Thursday, May 4, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

Session 1939. 133d of the General Assembly.

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SENATE

THURSDAY, MAY 4, 1939.

The Senate met at 1:00 o'clock, p. m., E. S. T. The President (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the Rev. FRANK W. RUTH, offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee for this glorious day, and all the hope that it brings into our lives, for all the gifts that Thou giveth gives us through nature, and we pray that through Thy Holy Spirit Thou will help us comprehend our relationship to our fellow man so that we can wholeheartedly say:

Let me live in a house by the side of the road, and the race of men go by,
The men that are good and the men that are bad,
As good and as bad as I.
I would not sit in the scorner's seat nor hurl the cynic's ban.
Let me live in a house by the side of the road and be a friend of man. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. KILGALLEN, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 333, (Senate Bill No. 860), entitled:

A Joint Resolution proposing an amendment to section eight, article five, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

House Bill No. 601, (Senate Bill No. 861), entitled:

An Act to amend clause six of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended, changing the minimum salaries of certain teachers in junior high schools of third class districts.

Which was committed to the Committee on Education.

House Bill No. 845, (Senate Bill No. 862), entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia, and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 1147, (Senate Bill No. 863), entitled:

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309) entitled "Public School Code" by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

Which was committed to the Committee on Education.

House Bill No. 1201, (Senate Bill No. 864), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 796) entitled "An act providing for the preservation of the records of banks and trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographs or photostatic copies.

Which was committed to the Committee on Banking.

House Bill No. 1257, (Senate Bill No. 865), entitled:

An Act to amend the title, Section 1, as amended, and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22 of the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen, (P. L. 587), entitled "Meat and Meat Food Products Law," by transferring administration of the act to the Department of Agriculture; defining "Department;" and changing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1324, (Senate Bill No. 866), entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged.

Which was committed to the Committee on Military Affairs.

House Bill No. 1327, (Senate Bill No. 867), entitled:

An Act to amend section one thousand three hundred and one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "Public School Code," prohibiting the issuance of certificates to teach to persons not citizens, except in certain cases.

Which was committed to the Committee on Education.

House Bill No. 293, (Senate Bill No. 868), entitled:

An Act providing for the exclusion from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

Which was committed to the Committee on Judiciary General.

House Bill No. 867, (Senate Bill No. 869), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "Public Assistance Law" regulating the employment and dismissal of employes therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of sub-committees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility or assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit agencies; changing the maximum property allowances for pensions to blind persons, and the qualifications for general assistance; and changing penal provisions.

Which was committed to the Committee on Welfare.

House Bill No. 1371, (Senate Bill No. 870), entitled:

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (P. L. 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

Which was committed to the Committee on Agriculture.

House Bill No. 169, (Senate Bill No. 871), entitled:

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917" by further providing for additional investments of trust funds by fiduciaries.

Which was committed to the Committee on Judiciary General.

House Bill No. 297, (Senate Bill No. 872), entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names; and making certified copies of their election evidence in all cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 330, (Senate Bill No. 873), entitled:

An Act to further amend subsection A of section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "Banking Code," by providing further with regard to limitations upon loans to one corporation or person.

Which was committed to the Committee on Banking.

House Bill No. 465, (Senate Bill No. 874), entitled:

An Act to amend article three by adding thereto section three hundred and twenty, and to amend sections nine hundred and one, one thousand one hundred and five, and one thousand one hundred and eleven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "Business Corporation Law," by providing for the arrangement, and reorganization of business organizations under the National Bankruptcy Act, for the further merger and consolidation of certain corporations and further regulating the dissolution of such corporations and the survival of remedies after dissolution.

Which was committed to the Committee on Corporations.

House Bill No. 482, (Senate Bill No. 875), entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the steps in wild-life-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission.

Which was committed to the Committee on Forestry, Game and Fish.

House Bill No. 528, (Senate Bill No. 876), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law," by modifying and further defining certain exemptions from said taxes by including specifically employers' thrift or savings association whether operated by employees or the employer.

Which was committed to the Committee on Finance.

House Bill No. 623, (Senate Bill No. 877), entitled:

An Act to further amend section one of the act, approved the seventeenth day of April, one thousand eight hundred and ninety-three (P. L. 21), entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government

is or may be located, in the disposition of the business of the Commonwealth, by providing suitable clerical assistance," by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county.

Which was committed to the Committee on Judiciary General.

House Bill No. 658, (Senate Bill No. 878), entitled:

An Act to add clause forty-six to section one thousand five hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," by authorizing appropriations for the support, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Which was committed to the Committee on County Government.

House Bill No. 714, (Senate Bill No. 879), entitled:

An Act to amend section four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "Nonprofit Corporation Law," as amended, extending the provisions of said act to permit corporations to be formed for beneficial and protective purposes to the widows and families of policemen and firemen, under and in accordance with such provisions.

Which was committed to the Committee on Municipal Government.

House Bill No. 763, (Senate Bill No. 880), entitled:

An Act to amend subdivision (a) of article eleven, and section one thousand one hundred and eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," changing the procedure for laying out, opening, widening, straightening, vacating and relaying roads, streets et cetera, wholly within said townships.

Which was committed to the Committee on County Government.

House Bill No. 780, (Senate Bill No. 881), entitled:

An Act authorizing the Secretary of Forests and Waters, with approval of the Governor, to accept and acquire by gift, grant or other lawful means, certain canal properties.

Which was committed to the Committee on Forestry, Game and Fish.

House Bill No. 781, (Senate Bill No. 882), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

Which was committed to the Committee on Forests, Game and Fish.

House Bill No. 792, (Senate Bill No. 883), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township, Chester County, Pennsylvania for use in the care and treatment of discharged, sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

Which was committed to the Committee on State Government.

House Bill No. 806, (Senate Bill No. 884), entitled:

An Act to amend article one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by providing for the appointment and election of school auditors in union school districts.

Which was committed to the Committee on Education.

House Bill No. 842, (Senate Bill No. 885), entitled:

An Act to amend sections one thousand three hundred and fourteen and section one thousand three hundred and fifteen as amended of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law" by providing further for the registration and recording of deeds.

Which was committed to the Committee on County Government.

House Bill No. 848, (Senate Bill No. 886), entitled:

An Act to amend section one of the act approved the eleventh day of May one thousand eight hundred ninety-three (P. L. 42) entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old infirm or disabled" by extending its provisions to include directors and officers of such corporations

Which was committed to the Committee on Welfare.

House Bill No. 887, (Senate Bill No. 887), entitled:

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "Vital Statistics Law" as amended, by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

Which was committed to the Committee on Public Health.

House Bill No. 907, (Senate Bill No. 888), entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "The Second Class Township Law,' as amended; by adding thereto section one thousand one hundred and ninety-seven, regulating the expenditure of funds allocated by any agency or department of the Commonwealth to townships of the second class in which the public roads and bridges are opened, made, amended and repaired by taxpayers.

Which was committed to the Committee on County Government.

House Bill No. 913, (Senate Bill No. 889), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing, and for the purpose of matching additional federal funds.

Which was committed to the Committee on Appropriations.

House Bill No. 948, (Senate Bill No. 890), entitled:

An Act to amend section eight hundred and four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," further restricting payments out of township treasuries; and giving township treasurers discretion to refuse payments.

Which was committed to the Committee on County Government.

House Bill No. 956, (Senate Bill No. 891), entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Which was committed to the Committee on Appropriations.

House Bill No. 961, (Senate Bill No. 892), entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions, providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund; and making appropriations necessary to offset such transfers.

Which was committed to the Committee on Appropriations.

House Bill No. 996, (Senate Bill No. 893), entitled:

An Act to amend section three hundred eight, and section seven hundred two, as amended, of the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "Nonprofit Corporation Law," facilitating the procedure to borrow money and to acquire or dispose of real estate; and to facilitate the approval of amendments by members.

Which was committed to the Committee on Corporations.

House Bill No. 1072, (Senate Bill No. 894), entitled:

An Act to amend clause (III) of section seven hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law" further regulating contracts and tax levies for fire purposes.

Which was committed to the Committee on County Government.

House Bill No. 1103, (Senate Bill No. 895), entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full; and making an appropriation out of the Motor License Fund.

Which was committed to the Committee on Highways.

House Bill No. 1104, (Senate Bill No. 896), entitled:

An Act to create and provide for the Fund of the Board of Nurse Examiners, involving moneys paid by nurses, licensed attendants or others and collected under the laws administered by the State Board of Examiners for Registration of Nurses, and regulating the handling and disposition thereof.

Which was committed to the Committee on Public Health.

House Bill No. 1105, (Senate Bill No. 897), entitled:

An Act providing for and regulating the State licensing of nurses of several classes the biennial recording of licenses regulating the profession of nursing imposing penalties and repealing certain existing laws.

Which was committed to the Committee on Public Health.

House Bill No. 1106, (Senate Bill No. 898), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929," as amended by making certain changes in the powers and duties of the Board and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board, and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board.

Which was committed to the Committee on Public Health.

House Bill No. 1108, (Senate Bill No. 899), entitled:

An Act to further amend the Act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "Fiscal Code," as amended, establishing a Fund of the Board Nurse Examiners by adding clause twenty-one to section three hundred two of said act.

Which was committed to the Committee on Public Health.

House Bill No. 1127, (Senate Bill No. 900), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female), and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Which was committed to the Committee on Appropriations.

House Bill No. 1130, (Senate Bill No. 901), entitled:

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates.

Which was committed to the Committee on Insurance.

House Bill No. 1148, (Senate Bill No. 902), entitled:

An Act making an appropriation to the Department of Revenue, to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett, deceased.

Which was committed to the Committee on Appropriations.

House Bill No. 1162, (Senate Bill No. 903), entitled:

An Act to amend section forty-nine by adding thereto clause (g) and to further amend clause (k) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917" by providing for the appointment of substitute fiduciaries to execute decrees of distribution in certain cases and by altering the procedure and requirements for the appointment of guardians ad litem.

Which was committed to the Committee on Judiciary General.

House Bill No. 1164, (Senate Bill No. 904), entitled:

An Act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "Orphans' Court Act of 1917" by authorizing the omission of certain parts accounts and auditors' reports from the dockets of such courts.

Which was committed to the Committee on Judiciary General.

House Bill No. 1170, (Senate Bill No. 905), entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment to out-of-school, unadjusted individuals in order to enable them to enter, reenter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Which was committed to the Committee on Education.

House Bill No. 1171, (Senate Bill No. 906), entitled:

An Act to amend Section 1109-1, as added, and section one thousand one hundred and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Which was committed to the Committee on Judiciary General.

House Bill No. 1172, (Senate Bill No. 907), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1173, (Senate Bill No. 908), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1174, (Senate Bill No. 909), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1175, (Senate Bill No. 910), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1176, (Senate Bill No. 911), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1177, (Senate Bill No. 912), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1178, (Senate Bill No. 913), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1243, (Senate Bill No. 914), entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled.

Which was committed to the Committee on Appropriations.

House Bill No. 1244, (Senate Bill No. 915), entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

Which was committed to the Committee on Appropriations.

House Bill No. 1245, (Senate Bill No. 916), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Which was committed to the Committee on Appropriations.

House Bill No. 1246, (Senate Bill No. 917), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of Loan and Transfer Agent of the Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 1248, (Senate Bill No. 918), entitled:

An Act to amend section one of the act approved the thirteenth day of April, one thousand eight hundred and sixty-seven, (P. L. 78), entitled "An act for the relief of wives and children, deserted by their husbands and fathers. within this Commonwealth;" designating the counties in which prosecutions may be brought.

Which was committed to the Committee on Judiciary General.

House Bill No. 1249, (Senate Bill No. 919), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Which was committed to the Committee on Appropriations.

House Bill No. 1250, (Senate Bill No. 920), entitled:

An Act to amend section two of the act approved the twelfth day of July, one thousand nine hundred and nineteen, (P. L. 939), entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children; prescribing a penalty therefor; and making the wife or any person having the care custody or control of minor children a competent witness;" designating the counties in which proescutions may be brought.

Which was committed to the Committee on Judiciary General.

House Bill No. 1260, (Senate Bill No. 921), entitled:

An Act to further amend section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," excluding proceeds of life insurance policies from the provisions thereof.

Which was committed to the Committee on Finance.

House Bill No. 1262, (Senate Bill No. 922) entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law," excluding proceeds of life insurance policies from the provisions thereof.

Which was committed to the Committee on Finance.

House Bill No. 1266, (Senate Bill No. 923), entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1285, (Senate Bill No. 924), entitled:

An Act to amend section two thousand four hundred thirteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," assigning certain rooms in the State Capitol to the General Assembly.

Which was committed to the Committee on State Government.

House Bill No. 1347, (Senate Bill No. 925), entitled:

An Act to amend section two thousand eight hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," making it unlawful to require, and for certain persons to solicit teachers to become members of certain organizations; and prohibiting the solicitation of dues for certain organizations during school hours.

Which was committed to the Committee on Education.

House Bill No. 1382, (Senate Bill No. 926), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one, and prior sessions, and at its sessions of one thousand nine hundred and thirty-three, and one thousand nine hundred and thirty-five.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. OWLETT, from the Committee on Public Utilities, reported as amended, Senate Bill No. 58, entitled:

An Act to amend paragraph seven of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and

penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals.

Mr. MILLER, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 794, entitled:

An Act to further amend sections two hundred twenty-three, two hundred twenty-four and two hundred twenty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundaries, lakes and boundary rivers of the Commonwealth," by providing for monthly returns and payments by issuing agents.

He also, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 792, entitled:

An Act to amend sections three hundred ten and three hundred eleven of the act, approvd the third day of June, one thousand nine hundred thirty-seven (P. L. 1225, entitled "An act concerning game and other wild animals; and amending, revising, consolidating, and changing the laws relating thereto," by providing for monthly returns and payments by issuing agents.

Mr. RUTH, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 156, entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred and seven (P. L. 527), entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

He also, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 782, (House Bill No. 964), entitled:

An Act to amend further section fourteen of an act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws, one hundred six) entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended, by conferring additional powers on the Department of Highways.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 152, entitled:

An Act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth; establishing the "Pennsylvania Board of Probation and Parole"; conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the Board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors and providing penalties therefor; and for other cognate purposes.

Mr. WOLFENDEN, from the Committee on County Government, reported as committed, Senate Bill No. 687, entitled:

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class; and preserving the lien of all taxes on such lands.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 576, (House Bill No. 895), entitled:

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled, "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing a method for the valuation of real property for taxation purposes.

Mr. MALLERY, from the Committee on Judiciary General reported as committed, Senate Bill No. 702, entitled:

An Act to repeal the act, approved the second day of May, one thousand nine hundred and seven (P. L. 157), entitled "An act requiring all newspapers published in this Commonwealth to print, in a conspicuous place, in every issue, the names of the owners, proprietors, or publishers, and the manging editors of the same; and making a violation of this act a misdemeanor and fixing the penalty therefor."

BILL RE-REFERRED

Mr. REED, from the Committee on Forestry, Game and Fish, reported, Senate Bill No. 617, entitled:

A Supplement to the act, approved the first day of July, one thousand nine hundred thirty-seven (P. L. 2651), entitled "An act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure-ground; and imposing certain powers and duties in connection therewith on the Department of Forests and Waters," making an appropriation to carry out the purposes of said act.

in order that it be re-referred to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. GELTZ, from the Committee on County Government, reported as committed, Senate Bill No. 585, entitled:

An Act to amend clause three of section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing townships to provide fire hydrants and hose; to pay for and maintain the same by tax levy or from revenues derived from the general road tax.

BILL INTRODUCED

Mr. JASPAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. JASPAN read in place and presented to the Chair Senate Bill No. 927, entitled:

A Supplement to the act, approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 105), entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed with the General State Authority for the use and occupancy of various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects," by making an additional appropriation for the purpose set forth therein.

Which was committed to the Committee on Appropriations.

REQUESTING USE OF FORUM FOR THE USE OF THE AMERICAN FEDERATION OF TEACHERS

Mr. CAVALCANTE offered the following resolution which was twice read as follows:

In the Senate, May 4, 1939.

Resolved, (if the House of Representatives concur), that the use of the Educational Forum of this Commonwealth situated in the Educational Building, be granted to a joint meeting of the American Federation of Teachers, Pennsylvania State Educational Association. and their members on Monday, May 8, 1939, at 7:00 o'clock, E. S. T.

The PRESIDENT. The Resolution by agreement with the sponsor will be laid on the table temporarily.

RESOLUTION REQUESTING USE OF SENATE CHAMBER

Mr. DENT. Mr. President, I have a privilege resolution to offer but before I offer it I wish to state that at the last special session of the legislature a commission was appointed to study compensation in Pennsylvania. Knowing full well that the matter of passing legislation on compensation was going to be made an important issue, the commission never met pending the introduction of legislation and the reaction of the various elements interested in compensation legislation. There is on the calendar in the House a very curious bill, and representatives of labor have told me that they have been refused a public hearing in the matter of compensation on the legislation before the House of Representatives.

I only want to say as chairman of the Labor and Industry Committee of the Senate I gave to industry last year and the year before last twenty-two public hearings and private conferences on compensation. I think that the laboring people of this State ought to be entitled to at least one hearing to have their views heard on the matter of compensation, so therefore I am calling my commission together and this resolution will ask that I be given permission to hold a public hearing and discussion of compensation, in the Senate Chamber, Monday afternoon, May 8, 1939.

Mr. DENT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 4, 1939.

Resolved, That the use of the Senate Chambers be granted to the Commission named to study Compensation for purposes of a public meeting, Monday afternoon, May 8, at 2 o'clock, Eastern Standard Time.

CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I move that we consider at the moment only the first three bills on the calendar, after which I propose to ask for a recess in order to hold a Democratic and a Republican caucus.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 250, (House Bill No. 28), entitled:

An Act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. SHAPIRO. Mr. President, I ask the indulgence of the Chair for a moment. I was not able to find this bill this morning. I have no objection to the bill, but I want to see the amendment for a moment.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Eroe,	Letzler,	Shapiro,
Cavalcante,	Farrell,	Mallery,	Sipe,
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Homsher,	Owlett,	Tallman,
Deitrick,	James,	Pierson,	Thomas,
Dent,	Jaspan,	Reed,	Walker,
DiSilvestro	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 266, (House Bill No. 444), entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of death benefits.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Eroe,	Letzler,	Shapiro,
Cavalcante,	Farrell,	Mallery,	Sipe,
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel
Dando,	Homsher,	Owlett,	Tallman,
Deitrick,	James,	Pierson,	Thomas,
Dent,	Jaspan,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 397, (House Bill No. 546), entitled:

An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard and making further provision for the appointment of an Adjutant General.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Eroe,	Letzler,	Shapiro,
Cavalcante,	Farrell,	Mallery,	Sipe,
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Homsher,	Owlett,	Tallman,
Deitrick,	James,	Pierson,	Thomas,
Dent,	Jaspan,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 436, entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

House Bill No. 437, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled "Administrative Code of 1929" as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its powers and duties; making available to the department for the use of the board the current appropriation to the board; and repealing inconsistent acts or parts of acts.

House Bill No. 733, entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

House Bill No. 919, entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "Insurance Company Law of 1921," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

MOTION TO PROCEED WITH FURTHER CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the further consideration of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 278, (House Bill No. 38), on final passage, entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended), "An act providing for the incor-

poration as bodies corporate and politic of 'Authorities' for municipalities, counties and townships, defining the same, prescribing the rights powers and duties of such Authorities, authorizing such Authorities to acquire, construct, improve, maintain and operate projects and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such Authorities, authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks, water supply works, water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water ad Power Resources Board.

to be postponed for the present.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 412, (House Bill No. 331), as follows:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The practice of selling certain items of merchandise at cost or less than cost in order to attract patronage is generally a form of deceptive advertising and an unfair method of competition in commerce and

Whereas Such practice causes commercial dislocations misleads the consumer works back against the farmer directly burdens and obstructs commerce and diverts business from dealers who maintain a fair price policy and

Whereas Bankruptcies among merchants who fail because of the competition of those who use such methods result in unemployment disruption of leases and nonpayment of taxes and loans and contribute to the inevitable train of undesirable consequences including economic depression now therefore

Section 1 This act shall be known and designated and may be cited as the "Unfair Sales Act"

Section 2 (a) When used in this act the term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer or the replacement cost of the merchandise to the retailer with thirty (30) days prior to the date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise (2) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than four per cent of the total cost at retail outlet

(b) When used in this act the term "cost to the wholesaler" shall mean the invoice cost of the merchandise to the wholesaler or the replacement cost of the merchandise to the wholesaler within thirty (30) days prior to date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise and (2) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than two per cent of the total cost at the wholesale establishment

(c) Where two or more items are advertised offered for sale or sold at a combined price the price of each item named shall be governed by the provisions of paragraph (a) or (b) of section two respectively

(d) The terms "cost to the retailer" and "cost to the wholesaler" as defined in paragraphs (a) and (b) shall mean bona fide costs and sales to consumers retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as a basis for computing costs with respect to sales by retailers and wholesalers

(e) The terms "sell at retail" "sales at retail" and "retail sale" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or in the usual prosecution of the seller's business of title to tangible personal property to the purchaser for consumption or use other than resale or further processing or manufacturing The above terms shall include any transfer of such property where title is retained by the seller as security for the payment of such purchase price

(f) The terms "sell at wholesale", "sale at wholesale" and "wholesale sales" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or the usual prosecution of the seller's business of title to tangible personal property to the purchaser for purposes of resale or further processing or manufacturing The above terms shall include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(g) The term "retailer" shall mean and include every person copartnership corporation or association engaged in the business of making sales at retail or performing the retail function within this State provided that in the case of a person partnership corporation or association engaged in the business of making sales both at retail and at wholesale such terms shall be applied only to the retail portion of such business

(h) The term "wholesaler" shall mean and include every person partnership corporation or association engaged in the business of making sales at wholesale or performing the wholesale function within this State Provided That in the case of a person partnership corporation or association engaged in the business of making sales both at wholesale and retail such terms shall be applied only to the wholesale portion of such business

(i) Every person partnership corporation or association engaged in the business of making sales at retail as defined in this act within this State which in addition to such business shall purchase merchandise and commodities for sale at retail from manufacturers packers processors growers or producers thereof without resort to a wholesaler as such shall be taken deemed and construed for the purpose of this act to be engaged in business both as a wholesaler and retailer as defined in this act and as such shall be subject to both the retail and wholesale mark-up provisions of this act

Section 3 It is hereby declared that advertisement offer to sell or sale of any merchandise either by retailers or wholesalers at less than cost as defined in this act with the intent effect or result of unfairly diverting trade from or otherwise injuring a competitor or with the result of deceiving any purchaser or prospective purchaser substantially lessening competition unreasonably restraining trade or tending to create a monopoly in any line of commerce is an unfair method of competition contrary to public policy and in contravention of the policy of this act

Section 4 Any retailer who shall in contravention of the policy of this act advertise offer to sell or sell at retail any item of merchandise at less than cost to the retailer as defined in this act or any wholesaler who

shall in contravention of the policy of this act advertise offer to sell or sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this act or any person partnership corporation or association engaged in business both as a wholesaler and retailer as defined in this act who shall in contravention of the policy of this act advertise offer to sell or sell any item of merchandise at less than cost subject to both the retail and wholesale mark-ups provided by this act shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) and costs of prosecution and in default thereof shall undergo imprisonment for not more than ten (10) days Proof of any such advertisement offer to sell or sale by any retailer or wholesaler in contravention of the policy of this act shall be prima facie evidence of a violation of this act

Section 5 In addition to the penalties provided in this act the courts of this State are hereby invested with jurisdiction to prevent and restrain violations of this act and it shall be the duty of several district attorneys in their respective districts to institute proceeding in equity to prevent and restrain violations Any person shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any threatened loss or injury by reason of a violation of this act

Section 6 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales if advertised marked and sold as such (b) where perishable merchandise must be sold promptly in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes or to relief agencies (f) where merchandise is sold on contract to departments of the government or governmental institutions (g) where the price of merchandise is made in good faith to meet legal competition (h) where merchandise is sold by any officer acting under the order or direction of any court

Section 7 If any section sentence clause or provision of this act shall for any reason be held invalid or unconstitutional the validity of the remaining parts hereof shall not be affected thereby

Section 8 The provisions of this act shall become effective sixty (60) days after final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, in connection with this bill, I should like to call to the attention of the Senators the fact that this bill is called the Baldi Unfair Sales Act, and we have been told that this bill will protect the small industry from the devastation of price-cutting. Now, I agree that the aims of this bill are to prevent price cutting, and I also agree it would be a very fine thing if we could accomplish it.

I also suggest that if this bill is passed and becomes law there will be no necessity for the bill we discussed last week, the eight by ten sign bill, because everything that is sold at retail comes under the provisions of this Act, and I would like the Senators to bear with me for a minute now.

I have no feeling about this bill at all but I would like, calmly, to point out the trap into which you fall when you attempt by law to regulate business. When I say this to you that I may be in effect, arguing against N. R. A.—and I am arguing against N. R. A., because I found it did not work, and I think it will not work under this Act. The gist of the bill is that goods must not be sold at retail for less than four per cent over the invoice cost and at wholesale at not less than two per cent over the invoice cost; and then invoice cost is defined as cost of merchandise to the retailer or the replacement cost of the merchandise to the retailer within thirty days prior to the date of the sale.

Now, how are you going to determine that and how are you going to prevent price cutting if a wholesaler can take his basic cost at any time within thirty days from the time he wants to sell it?

The second proposition I should like to call your attention is Clause D "The terms 'cost to the retailer' and 'cost to the wholesaler' as defined in paragraphs (a) and (b) shall mean bona fide costs and sales to consumers, retailers and wholesalers at prices which cannot be justified by existing market conditions within this State and shall not be used as a basis for computing cost with respect to sales by retailers and wholesalers," and the price to the retailer shall not include discounts, or the price to the wholesaler shall not include discounts which he is allowed by the seller to him, and how are you going to protect the small dealer in that respect?

Then if you want a more confused situation, let me refer you to Sections G and H. In Section G you deal with the man who sells both at wholesale and retail, and it is divided into two sections.

The first section deals with the man who sells both at retail and wholesale and the second section also deals with the man who sells both at wholesale and retail, but it makes different provisions in both cases and I think everybody will agree they are the same type of people—but if he sells both at retail and wholesale the term retailer shall apply, and if he sells both wholesale and retail the term wholesaler shall apply. Let me read thoses sections to you:

"(g) The term 'retailer' shall mean and include every person, copartnership, corporation or association engaged in the business of making sales at retail or performing the retail function within this State, provided that in the case of a person, partnership, corporation or association engaged in the business of making sales both at retail and at wholesale such terms shall be applied only to the retail portion of such business."

"(h) The term 'wholesaler' (the word wholesaler comes first here) shall mean and include every person, partnership, corporation or association engaged in the business of making sales at wholesale or performing the wholesale function within this State: Provided, That in the case of a person, partnership, corporation or association engaged in the business of making sales both at wholesale and retail such terms shall be applied only to the wholesale portion of such business."

Now, if a man puts a sign out, I am a wholesaler and retailer—one proposition applies; but if he puts out a sign, I am a retailer and wholesaler, a different situation applies, and yet they are both in the same situation. It simply indicates how, in an effort to control a situation, you find yourself in a position from which you cannot extricate yourself; and you are in a worse position than you were before you attempted to pass the law.

Now, take the situation of the cooperatives. Under this

bill, in the following section, cooperatives would have to charge—the retailers would have to mark up goods six per cent, because, as I was informed yesterday, this section was intended to take care of that—page 5, section (i) reads as follows:

"(i) Every person, partnership, corporation or association engaged in the business of making sales at retail as defined in this act within this State, which, in addition to such business, shall purchase merchandise and commodities for sale at retail from manufacturers, packers, processors, growers or producers thereof without resort to a wholesaler as such, shall be taken deemed and construed for the purpose of this act to be engaged in business both as a wholesaler and retailer as defined in this act, and as such shall be subject to both the retail and wholesale mark-up provisions of this act."

In other words, a man who is engaged in the retail and wholesale business—that is, though he comes first under sections G, and then H, and the confusion which exists there is bad enough—if that question is passed, you come to the next section, and if he is the type of man who buys from a manufacturer or grower, without the intervention of the wholesaler, then he must mark his goods up six per cent.

Now, we know that in some instances the cooperatives buy direct; and we know they buy without the intervention of the wholesaler; and in those instances the retailer will get a notice from the cooperatives—we have bought this merchandise without the intervention of a wholesaler; you must not sell it at less than six per cent above your cost.

I think those three things I have pointed out are enough to show what happens when you pass legislation that is not properly digested and the last thing about this bill is this: I suggested this be so that it should not be in effect until its legality can be determined and that was not adopted.

Here is my position: I will tell the large dealer, wholesaler or retailer, to ignore this Act, and he will proceed to sell and you will proceed, under the terms of this bill, to go into court and get an injunction against him; and he will say to the Court that this Act is unconstitutional and the injunction does not prevail—he will be greatly damaged and therefore insists upon a sufficient bond and the Court will, of course, grant it. Suppose he loses? In the meantime he continues to sell and undercut the little fellow—undersell the little felow who is following out the provisions of the Act, and when the Supreme Court decides that question in six or eight months the little fellow is out of business and the big fellow is still undercutting, and when the Supreme Court is through the little fellow is out.

If the Supreme Court decides that I was wrong, and that the injunction was properly granted, and he is restrained from selling, or violating the Act, then the bond which is required to be filed will of necessity go to the benefit of the person he was enjoined from underselling and you will see, under those circumstances, it will be necessary to provide a proper bond—and it will be an excessive bond—it should be a bond to take care of all the damages this man will have.

I think any lawyer in this room will agree—if they do not agree that this Act is unconstitutional, they will agree that its constitutionality certainly is questionable.

That is clearly illustrated in the case of Schechter Brothers, where it was declared there was a violation of the Constitutional rights of those gentlemen. The Supreme Court held as unconstitutional the Act which prohibited them from selling merchandise except in a certain way prescribed by the N.R.A. Law, and when the fight was over they had won the battle but had lost the business; and that is what we are doing here now—we are going to give somebody the right to win a battle but lose his business.

I do not want to impose my legal views on this subject upon my colleagues in the Senate, but I venture the suggestion that if Senate Bills Nos. 12 and 13 were vetoed by the Governor because they failed to provide for justices of the peace and magistrates—and that was an important piece of legislation—what do you think the Attorney-General of this Commonwealth, who seems to be a very careful lawyer, will say about this bill, and assuming he, like I, am wrong about the proposition, assume that—rather, assume he disagrees with me and says it is O.K. and it is Constitutional, and the Supreme Court differs with him, as it has been known to do with lawyers, and declares it unconstitutional—consider the damage we have done to industry in Pennsyvania.

I suggest, first, that this bill ought to be voted down; or, secondly, if not voted down, it ought to be amended to cure that condition. Third, for the first time since I have been a member of the Senate, I am in a position where I cannot vote for this bill, and I doubt very much whether any lawyer in this room can, under the present constitutional provisions, vote for this bill, because this bill covers every kind of industry in the Commonwealth of Pennsylvania where the business is selling, wholesale or retail; and I am quite sure there is not a lawyer in this room who does not represent somebody that has been affected by this legislation if it becomes law.

This morning I had a telephone call from an important client who asked me to vote against this bill. I cannot vote against this bill because in the same telephone message from my office there were at least thirty people with small interests who asked me to vote for this bill; and I think, under those circumstances, particularly in view of the constitutional provisions, that I have no right to vote for or against the bill—but there is nothing in the Constitution to prevent me from giving my views. I have given them and I have declared my interest here as required by the Constitution and I will not vote on the bill.

Mr. WOODWARD. Mr. President, I was converted, to vote against this bill, in the first fifteen minutes of the argument of my distinguished colleague from Philadelphia, Mr. Shapiro; but if he had continued fifteen minutes more I would have voted for the bill. As a dyed-in-the-wool Republican I believe in free enterprise. I was assured that this bill did not interfere in any way with consumer-cooperatives, and now I have learned from my colleague that it does.

We have a very prosperous consumer-cooperative in Germantown, and we expect to buy apples from Senator Rice without the intervention of any middle-man; but one of our mottoes is, to sell at the market price, and I am somewhat confused, I believe this bill upsets that market price, and, listening to the arguments of my colleague, and being against price fixing, I certainly will vote with the Senator from Philadelphia, Mr. Shapiro, against the bill.

Mr. DENT. Mr. President, of course I do not know whether I can be as successful as my colleague from Philadelphia, Mr. Shapiro, and perhaps I cannot again change the mind of the distinguished gentleman from German-

town, but I want to say I do not see anything in this bill which interferes with cooperatives; I do not think there is a cooperative in existence, counting its drayage costs and overhead expenses and all the other items of expense that go into operation, that can properly function with less than six per cent markup. It is six per cent—your cooperative acts as both retailer and wholesaler—as when he acts only as a wholesaler it is two per cent and when he acts as retailer it is four per cent—and I do not think any business man can come into this Senate and ask the vote of the members of this Senate on a proposition where we say to them we do not think it is fair for you to buy goods for a dollar and sell them for ninety-eight cents, because it happens that the particular type of goods you are selling for ninety-eight cents—two cents less than the cost price—is a main item of merchandise which your competitor across the street has to do business with—and then you turn around and sell items that cost seven or eight cents for a dollar or a dollar and a half because your competitor does not have those items.

I am speaking particularly about the cut rate drug stores which sell everything from shoe blacking to an automobile —it is not their main item of business—their main item is drugs if they can give you a razor they will sell you all the blades you want.

The queston of constitutionality is certainly fallacious at this time. Those of us who are Democrats, if we had listened to the cry about constitutionality why, we would not have voted for ten per cent of the bills we voted for in 1937 and 1935. The very men that now plead it ought to be set aside because of constitutionality are the men who said to us that is the proper function of the Supreme Court and let us wait until it gets there. If we are going to act as a Supreme Court—and not being an attorney how am I supposed to know whether or not it is constitutional—certainly I cannot take one attorney's word for it, because the attorney who tells me it is constitutional tells me the laws of 1937 were consitutional and the Supreme Court did not agree with him.

The bill is a good bill, gentlemen. There is not anything in it that hurts anybody. It only says you must sell something at least at its cost—at least its cost—it gives the small grocer, your neighborhood grocer and the small business man some opportunity to compete with the large chain stores that buy at a reduced cost and sell at less than reduced cost. I would ask that my colleagues all support this bill.

Mr. WOLFENDEN. Mr. President, just to win back my good friend, Dr. Woodward, this bill that the Senator from Philadelphia Mr. Shapiro has told you is so full of terms and phrases which make it unconstitutional is what is known as a model bill. It is already in force in many states in the union.

Now, it has not yet been declared unconstitutional by any state in the union and possibly our attorney general when he rules on it will consider that fact. It is identical with a bill now in effect in Illinois and direct proof of that is that the bill was literally printed and where it says District Attorney it uses the term of State Attorney, which is what they are called in Illinois. I am not concerned with the constitutionality of the bill, and will appreciate your support of the bill.

Mr. SHAPIRO. Mr. President, I desire the record to show me as being present.

The PRESIDENT. The record will so note.

Mr. EALY. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. It will be so recorded.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Edmonds,	Lanius,	Rice,
Cavalcante,	Eroe,	Letzler,	Ruth,
Chapman,	Farrell,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,

NAYS—3

Ealy,	Gelder,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

REPORT FROM COMMITTEE

Mr. McCREESH. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH, from the Committee on Judiciary Special, reported as amended, Senate Bill No. 619, (House Bill No. 305), entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

Mr. President, I might say to you that this bill is known as the fireworks bill, this is a second fireworks bill, and I might say to you that the Senators who are bitterly criticized on account of those fireworks bills—and I think it is a pity that the Senators who worked hard night and day should be criticized by the papers or by the public—we go into committee meetings and hear the public and then the Senators lock the doors and stay in there from morning to night, and then we bring out a bill and we are criticized after trying to do our best.

So, Mr. President, I now present the bill to the Chair as amended.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 456, on final passage entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 514 on final passage, entitled:

An Act to amend sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" changing the conditions for borrowing money for current expenses and authorizing a supplement budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth

be postponed for the present.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 561, as follows:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" is hereby amended to read as follows

Section 2 That the present board of assessors in any such city or their successors when elected shall make an assessment of all the subjects of taxation now by law or which may hereafter be made subject to taxation for city purposes and they shall take as the basis of such assessment the last preceding assessment made by the board of assessors for such city and shall have power to revise equalize or alter such assessment by increasing or reducing the valuations and to add to such lists of assessments any subjects of taxation subject to taxation as aforesaid omitted therefrom and fix the taxable valuation thereof and it shall be their duty to rectify all errors and if necessary for such purpose require the attendance of citizens before them for examination under oath of affirmation It shall be their duty to establish without delay rules and regulations prescribing the mode of appeal to them from any assessment made by them by any person interested therein and when such assessors shall have finally acted upon such assessments and appeals an appeal may be taken therefrom to any court of common pleas of the county in which such city is located whose decision shall be final thereon Such appeals shall be taken to such court within thirty days after final action by the assessors as aforesaid Provided That the said appeal shall not prevent the collection of the taxes complained of but in case the same shall be or shall heretofore have been reduced then the excess collected shall be returned to the person or persons who shall have paid the same and provided further that such appeals shall not operate to relieve the appellant from paying accrued interest and penalties on the amount of the assessment as finally established

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Daly,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 22, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. JAMES. Mr. President, I ask unanimous consent to amend bill, last page of bill, by inserting at the end thereof, the following:

S Section 8. This act shall become effective immediately upon its final enactment.

Mr. JAMES. Mr. President, This amendment I proposed makes the bill effective immediately upon its final enactment.

The PRESIDENT. Will the Senate agree to the amendment as read?

Mr. HALUSKA. Mr. President, I object.

Mr. REED. Mr. President, may I ask consent to offer the following amendment?

Mr. JAMES. Mr. President, I understand, sir, unanimous consent was given.

The PRESIDENT. There was an objection.

MOTION TO RECONSIDER SENATE BILL No. 22

Mr. JAMES. Mr. President, I move that the vote by which this bill passed second reading be reconsidered.

Mr. OWLETT. Mr. President, I second the motion.

It was agreed to.

Mr. CAVALCANTE. He presented a motion, Mr. President, and there was an objection to it.

Mr. OWLETT. Mr. President, I seconded the motion of the Senator from Bucks, Mr. James.

The PRESIDENT. It has been moved by the Senator from Bucks and seconded by the Senator from Tioga that the vote by which Senate Bill No. 22 passed second reading be reconsidered.

Mr. SHAPIRO. Mr. President, on the motion I desire to interrogate the gentleman from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the gentleman state whether it is not true the bill in its present form, unless amended as suggested by the Senator from Bucks, will not become effective until September?

Mr. HALUSKA. That is right, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Cambria state whether it is not true under the amendment it will become effective before the Fourth of July?

Mr. HALUSKA. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman state his reasons for objecting to the amendment to the bill which, if the objection is not withdrawn, delays passage another day?

Mr. HALUSKA. Mr. President, I do not think we should try to confiscate anybody's business. This is not an emergency, fireworks have been used for generations. We should serve a warning upon those folks that we are going to put in some type of legislation prohibiting fireworks for the manufacturer and for the sale of fireworks, but if this bill should pass and become effective immediately I think it is the most UnAmerican and UnDemocratic piece of legislation we ever passed. Think of it. Manufacturers, dealers, wholesalers, throughout the entire Commonwealth, with their investments in fireworks, today they are told that we shall pass a bill and tomorrow they will be driven out of business. I think it is unfair.

I have not had one request from any person in my county requesting me to vote for this measure. The record shows for the year of 1938 we had three cases directly attributed to fireworks; and the record shows we had 148 cases of football, baseball, fishing, swimming—in other words, less than one per cent of all injuries caused in this Commonwealth in 1938 were caused by the display of fireworks.

I think it is unfair and I believe that if we pass this piece of legislation and make it effective as of September first it will give our dealers, our manufacturers, our wholesalers, an opportunity to dispose of their goods; and thereby we serve a warning that if, after that date, they manufacture fireworks they cannot dispose of their stock; and that is my reason, for objecting to this amendment.

Mr. SHAPIRO. Mr. President, the fact that only ten people or five people or eight people were killed or maimed or injured does not make the crime any the less. I am reminded of a story—I would like to quote from a statement made by my distinguished colleague, Senator Woodward, when he was discussing a similar situation: he said "Minimizing the crime that way does not impress me. It is like the girl who gave birth to an illegitimate child and who said it was not much of a crime because it was only a little baby."

It seems to me, speaking about fireworks, that because the percentage of deaths or injuries by fireworks is less than the number of deaths or injuries in another form of life or another activity of life is just to behave as if this is not an important piece of legislation.

I would like to say I have been in the Senate since 1933 and I think the gentleman who are engaged in the fireworks business ought to know they are engaged in a business where they are taking a voluntary assumption of risks in a dangerous situation, and from 1933 to this date they have been told that sooner or later there would be a fireworks bill and the only reason it did not come sooner was that they had a strong lobby that prevented it from coming sooner.

In 1933 and 1935 they raised the issue I hear today, why not make this effective next Fourth of July so that we can sell our stock, and if incidentally a dozen more people are injured, that is incidental, but give us a chance to sell this stuff and do a little more harm, and then we will get out of business.

In 1935 by their lobby they were able to stop this fireworks bill and then in the Special Session of 1938 we gave notice to them in the call of the Governor in which he said this is so important I am including it in the call for the Special Session they began the same lobbying and used the same excuse and said, give us until the Fourth of July next year and we will not do it any more, and we had this bill up to the moment of almost final passage and then that lobby prevailed, and I want to say here and now that any fooling with this proposition and any argument about giving us the chance to get rid of our goods must carry with it the implication that they are entitled to maim my children and I do not want that, I do not want a single delay in getting this legislation through.

I want to say frankly last night I suspected there was some motive behind the procedure involved here.

I am glad to see that the committee and the gentleman from Bucks have cleared themselves and has brought out a bill that will pass and can pass, and then the responsibility will be upon the House and not upon the Senate. I want to say now whatever thought I had about the matter is cleared up. I am glad to see this action taken. It is time this Senate realized its responsibility The criticism that appeared in newspapers seems to me a good feature. If this bill was brought out as a result of the criticism of the newspapers, more power to the newspapers. We must not complain about criticism in the newspapers. My hat is off to the gentleman from Bucks and I hope we pass this bill, and I am sorry if it is delayed another day by this objection.

Mr. GELDER. Mr. President, just to keep the records straight I want to say the chairman of the committee last night said it was coming out again today and that the purpose was not to delay, but to get that date in there, and if there was any misapprehension it was in the mind of the Senator from Philadelphia and not in the committee.

Mr. SHAPIRO. Mr. President, that is true and that is why I am making this statement, because I feel I owe it to the gentleman from Bucks to do so.

Mr. REED. Mr. President, the passage of this bill will not prevent the sale of fireworks. This bill will just regulate the use of fireworks. Fireworks can still be used under proper control and I agree with the Senator from Philadelphia, Mr. Shapiro, this same argument has been used back through the years and I join with him in stating that I sincerely hope that this bill now will be properly passed and sent to the Governor for final enactment and I also want to congratulate the gentleman from Bucks for putttng in an amendment that will more than likely, if we do our duty, bring about this control before Fourth of July of this year.

Mr. DENT. Mr. President, in the 1938 Special Session I probably was the big firecracker that stopped the bill. I said then they would have time before the next Fourth of July to pass a fireworks bill.

I want to state clearly that though I was co-sponsor of this act, which is not a regularatory—act but a prohibitory act—get that provision clear—and I also co-sponsored a regulatory act.

I have always believed you could obtain and achieve a thing better by moderation and regulation than by prohibition and strangulation but I promised to the members of this Senate—and amongst them was Senator Woodward, whom I believe at that time voted because of the plea I made that I would introduce legislation along those lines before the Fourth of July of this year—and so I am in favor of getting through any bill that the committee in its wisdom thinks is right, but I do not hold any brief for any newspaper editors, newspaper publishers, or newspaper correspondents, who deliberately lie in their columns relative to any subject before the Senate of Pennsylvania.

I am going to say frankly that the threat has been made—last year—it would mean my political oblivion. What matters is whether I am in politics or not? It does not matter to anybody. I only do my duty as I see it and I am still man enough, with my thirty-one years of life that God gave me, to stand up here and express an honest opinion without the pressure of lobbyists, Mr. Shapiro.

I have the strength of my convictions when I say to this Senate that this prohibitory bill will not in any way stop the deaths or the injuries in Pennsylvania, and who will be responsible for those deaths and injuries this Fourth of July—the men in this Senate and Legislature who do not allow innocent firecrackers to be sold to people, who because of their desire to celebrate, will make up their own home-made firecrackers. Records show without any doubt or dispute that the eight deaths charged in Pennsylvania on the Fourth of July to firecrackers were all from home made firecrackers, all of them home made; that of the eyes lost in Pennsylvania this bill or no bill will stop it; of the two blind men who appeared before the committee, one lost his eyes in a shotgun accident and the other lost his eyes because he took gun powder and put it in a toy cannon—which has been outlawed for twenty years.

I do not care what you do with this bill but I want to tell what I think is my honest opinion of the Philadelphia Inquirer—today and for the last two weeks—one of its writers has pictured me as wrapped up in the coils of a rattlesnake and talking to a child and telling that child that I would see that the rattlesnake was regulated. I happen to have two children of my own and I do not think any act I have ever committed in my life would put me in the same class of the rattlesnake, Moe Annenberg.

I have the highest respect for the man who expresses an opinion that is honest to the best of his knowledge, a fair opinion.

The idea behind all this fireworks agitation in Philadelphia, where fireworks, by the way, have been prohibited for eighteen years—eighteen years they have stopped the sale of fireworks in Philadelphia—and now Philadelphia tells the rest of the State you ought to stop fireworks in the State, everywhere else in the State, there should not be any amendment, there should not be any regulation at all, it should be all prohibited.

The idea behind all this agitation, Mr. President, is this, in my humble opinion: we are faced here in the State of Pennsylvania with a situation whereby much social and humane legislation that was written on the books, after fifty years of struggle by the labor and liberal groups of this district, are to be stricken off in the next two weeks, and so if we can get the people of Philadelphia all agitated to the point, they think there is nothing happening down here except men being paid to keep fireworks legislation from becoming effective, perchance the people of Pennsylvania, of Philadelphia, will not realize what is really happening down here.

The fireworks bill is nothing. It is the bonfire that is something. I will go along with this Senate and prohibit not only the use of small commercial fireworks but I will prohibit the most dangerous type of fireworks, the public display, because the records show, gentlemen of this Senate, if you want to know the records—the records show that more people have been injured, maimed, killed, blinded, by public display of fireworks than by the commercial type, but no, we do not pass any legislation prohibiting public display because then the public reaction would be no good.

If you want to, and are serious in wanting to legislate out all injuries and accidents, then let us vote for a prohibitory bill, and the reason I do not offer the amendment is because the unfair Philadelphia Inquirer would say that I was adopting obstructionist maneuvers to keep the bill from passing. I don't care whether the bill passes or not, but I do want all of you here to believe me when I say I was one of the youngsters that grew up during your prohibition era in these United States. I know some of the evils of prohibition in anything, whether it is fireworks or liquor or anything else. The oldest known industry is the manufacture of fireworks. There is some good in everything in life—some good even in a rattlesnake—this I call to the attention of my good friend John Cummings, who is a very nice boy but runs off his mouth once in a while.

A rattlesnake is something that in the old days everyone thought was a blemish upon the earth and a blight, but today they are raising them for food, they take serum from them—oh, there are all kinds of uses—and just like that, in the same illustration of the rattlesnake to the fireworks, the United States Army finally derived some good from the pyrotechnics manufacturers because they are the only people in these United States qualified to make and produce tracer bullets, aerial flares and bombs.

Now, those things, of course, are trivial when you think of the poor child that may be hurt. I am still the father of my children. I do not want my child to be hurt any

more than Mr. Shapiro wants to have his child hurt. I do not want any blindness in my family, because we have blindness in my family, because a full grown brother of mine lost his eye sight in an accident in a wheat field. I know what it is and I am not talking because the Inquirer told me to talk or scares me because from some of the things I have heard about the editor of that paper he was not so nervous about guns in his youth—well, the owner—I don't know the editor, he may be a very nice fellow.

Gentlemen, let us not kid ourselves, here is a committee of the Senate that put out a bill, and after the Philadelphia Inquirer put their pictures in the paper and called them murderers they put out another one. I don't know, but I have my doubts. If it were not for delaying this bill I would like to ask the members of this Senate to prohibit all the manufacturers of fireworks, prohibit all of them. Why did you leave cap pistols in the bill? I suggest that you take cap pistols out because statistics on cap pistols are just as false as statistics on the other fireworks, but no, you are going to leave them in. I do not want to suggest it is because they are from Lancaster county, which happens to be a Republican county it would not be fair to suggest that, but I tell you that if you want to prohibit fireworks you not only have my vote but you have my bill. Senator Reed and I colloborated, we have a prohibitory bill and Senator Reed will introduce a bill that is regulatory—but the committee has made its decision and it has made the decision of the Philadelphia Inquirer, so now we have two bills on the calendar that are both prohibitory and perhaps you can get your pictures in tomorrow's paper. So you are all right now because you put out a bill that was sponsored by the Inquirer—they do not know themselves what is in that bill. They do not know themselves what is in the bill—the Tahl bill. And so, gentlemen, let us proceed with the vote and let us put the Fourth of July back into the same category as Columbus Day and the rest of them, and let the children make their own fire crackers, let them, I say—force them to shoot dynamite caps and all the rest of the dangerous implements that are used on the Fourth of July, rather than let them shoot firecrackers one-half an inch long. So, I am in favor of the admendment; I am against all delay, and I want to posthaste send my message to the Inquirer, the people are emancipated.

Mr. SIPE. Mr. President, I do not wish to unduly prolong this debate but I want to give expression to my belief that the propaganda the fireworks manufacturers have put out that they will likely have to go out of business, if this bill is passed, is misleading propaganda.

I believe that they are just as likely to do more business. Public displays under proper auspices and management are not prohibited. The children still want to see fireworks displayed and sensible parents, I take it, will prefer to take their children to see public displays rather than permit them to manufacture bootleg fireworks of their own; so that the result is just as likely to be that the manufacturers will have a greater market for their product after the bill is passed than they have at present.

One more thought: our good friend, the Senator from Bucks, has already been congratulated by at least two Senators. I add my congratulations, but I do not think it is fair to show special favor to the Senator from Bucks and leave out the other members of the Committee on Judiciary Special. Therefore, I want to congratulate all the members of the Committee on Judiciary Special on the exceptionally fine pictures of themselves that appeared in this morning's Philadelphia Inquirer; and especially on the more handsome pictures of them that appeared this morning in the Philadelphia Record; and I want to give them a suggestion. Looking at those pictures, especially, the ones that are in the Record, I could not help but feel that those members of the Judiciary Special Committee ought not to be fooling around here in the Senate if they are looking for a fortune, because I believe that a fortune awaits them at Hollywood, which is looking for such fine photographic types as these gentlemen are shown to be, especially in the Record.

Mr. HALUSKA. Mr. President, I do not wish to delay action on this bill but in a few words, and in conclusion, I wish to remind my colleagues that they are confiscating the business of merchants in our State, that you men, by voting for this amendment, are putting out of work between eight and twelve thousand people at once, that you are actually stealing the wage and depriving the livelihood of many thousands of merchants, wholesalers, and retailers.

You do not care, possibly, because it does not affect you directly; but if tomorrow someone should enact a bill and say to you that you shall not receive your last pay check you would act differently, each and every one of you, because that would affect you directly, but keep in mind the many, many persons that will be affected immediately. The sponsor of this Act had that in mind when he put in that bill the date of September First, giving to these people an opportunity to unload their stock.

I think it is a fair bill, if passed with the effective date being made the first day of September; but I do think it is very unfair if you pass these amendments and actually deprive these people of their livelihood.

Mr. CAVALCANTE. Mr. President, I have no interest in this bill, although in my county we do have the Continental Fireworks Company, that has a considerable investment. We are very close to fireworks, our children in that county have plenty of fireworks on the Fourth of July, for many years they have had those fireworks, and I know of not a single case in my county of where any child was blinded, maimed, or injured as a result of firecrackers.

I am stating that in order to impress upon my colleagues that despite the fact that we have one of the largest fireworks concerns in my county I have not received a single communication from any of my constituents telling me to vote in favor of this fireworks bill.

That is unusual—you must admit it is unusual. I have not heard and—I have received no communications from my county—not even the newspapers of my county have mentioned anything about this fireworks bill.

I intend to vote against this bill because I am not ready to make the public believe that a harlot of a newspaper like the Philadelphia Inquirer or the Record can blackjack me into voting the way they want me to vote, and especially do I take that attitude when I know from the records of this Senate that the owner of that Philadelphia Inquirer, when there was a profit to be made by violating the law during prohibition days, by engaging in bootlegging, with all its murders and corruption, I am told that his hands were not clean of that, and when that field of lucrative profit went out of his reach he reached his filthy hands in another racket, the horse-racing

racket, and I understand he made untold thousands of dollars in that illegal practice, and I am wondering today if a gentleman so minded is not looking forward to the lucrative profits that will be made by bootlegging fireworks from the outside into the State of Pennsylvania.

You cannot change human nature. People who lived before us and before firecrackers were made, in their celebration of the Fourth of July, they used more potent explosives—and we still sell dynamite—people still know how to cut a stick of dynamite in two and get a fuse and a cap and make a loud noise. This bill does not prohibit the use of dynamite for making noise during the Fourth of July at all.

I am not being stampeded by a newspaper that is today the cess-pool of the State of Pennsylvania, that knows no journalistic propriety of any character, just like the harlot that sells its body to the highest bidder, so is the Philadelphia Inquirer, and I am indeed sorry that a few of the writers who write for that paper appear on the surface and socially to be honorable men, who no doubt must be interested to sustain themselves and their families in the salary that is attached.

I have not viewed with little apprehension the statements of the dictator of Germany concerning the newspapers, and I have no doubt in my mind whatsoever why in dictator countries the dictators finally come to the point where they enforce decency in the press by bringing them under control. I can understand their actions—if the free press of Germany or any other country, whether it is Russia or Italy, the press sinks down to a cess-pool such as this Philadelphia Inquirer and a few other newspapers have sunk in this country.

Freedom of the press! Freedom of the press to do what? To amass filthy lucre for Moe Annenberg, to preserve their own personal fortunes, or is the freedom of the press to be exercised for the welfare of the people for the protection of the nation, and not to mass their own selfish fortunes and to protect their own views?

You may laugh, you may sneer, but men are men, no matter where they are born, God creates man the same whether he blows the breath of life in him in Russia, in Germany, in Spain, Italy or in England, and men are born with certain attributes and they will manifest themselves in America as well as they manifest themselves in other places in this world, and I warn you I am not a seer, I am not a prophet, but if you permit this filthy press to carry on with the license that they are carrying on today, unbridled, unscrupulously and without any propriety—and I tell you that probably men in sufficient numbers will rise up here on the shores of America to bring an end to such unbridled license.

I am voting against this bill because I am not going to let anybody in this Commonwealth think that I am going to be stampeded by a press owned and controlled by a citizen like Moe Annenberg.

Mr. Di SILVESTRO. Mr. President, I did not want to enter into this discussion, because I know the difficulty that the writers of the different newspapers have in communicating with their offices and giving the results of the election we are now going to have; but, if the newspapers of Philadelphia, or any other section, have the courage and the strength to come out and expose whatever jockeying was being done in the committee where the bill was, I say congratulations to the newspapers that had the strength of mind and courage to come out and say, men, bring that bill out on the floor and see that it is voted upon by individuals who have the conscience of their duties.

I say congratulations to the press—and I would not say congratulations at certain other time because there are moments when I feel, as my predecessor said, the newspapers are wrong, but at this particular moment I say, thank God, tonight I can go home and sleep peacefully, because I have had opportunity to cast my vote for a piece of humane legislation; and when I vote yes on this bill I vote for the good of my country and of our children, who have a right to be protected from such things as fireworks. I say congratulations to the press and any time that committees think it is their duty or think it is wise, to keep legislation off the floor, let the press expose the individuals who endeavor to do it and bring them out into the open, where we can see them in the broad daylight.

Mr. WOODWARD. Mr. President, I rise to suggest to the Secretary of the Senate that he send a marked copy of the Legislative Journal to the Philadelpha Inquirer, and the Philadelphia Record, for fear they will not have read or it will not come to their ears. I have been very much informed by the discussion.

Mr. OWLETT. I suggest the question, Mr. President.

Mr. HALUSKA. Mr. President, I ask that the roll be called.

The PRESIDENT. The vote is on the motion to reconsider.

Mr. EDMONDS. Mr. President, will you inform me on what the roll is to be called?

The PRESIDENT. For the information of the Senator from Montgomery, this is a vote on the motion of the Senator from Bucks, seconded by the Senator from Tioga, to reconsider the vote taken on the second reading of this bill.

The yeas and nays were required by Mr. HALUSKA and Mr. DENT, and were as follows, viz:

YEAS—39

Bartlett,	Eroe,	Letzler,	Shapiro,
Chapman,	Farrell,	Mallery,	Sipe,
Coleman,	Gelder,	McCreesh,	Snowden,
Crowe,	Geltz,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,	Lanius,	Ruth,	

NAYS—2

Cavalcante,	Haluska,

So the question was determined in the affirmative.

RECONSIDERATION OF SENATE BILL No. 22

Mr. JAMES. Mr. President, I move that the Senate do not reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye".

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye.'

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections, from one to six inclusive of the bill were read as follows, severally reconsidered and agreed to:

Section 1 The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation and shall include blank cartridges toy pistols toy cannons toy canes or toy guns in which explosives are used the type of balloons which require fire underneath to propel the same firecrackers torpedoes skyrockets Roman candles Daygo bombs sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance The term "fireworks" shall not include toy pistols toy canes toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion or to toy pistol paper caps which contain less than .20 grains of explosive mixture the sale and use of which shall be permitted at all times

The term "municipalities" shall include cities boroughs incorporated towns and townships

Section 2 Except as hereinafter provided it shall be unlawful for any person firm copartnership or corporation to offer for sale expose for sale at retail or use or explode any fireworks Provided That the governing body of any city borough town or township shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks to be held therein by municipalities fair associations amusement parks and other organizations or groups of individuals Every such display shall be handled by a competent operator to be approved by the governing body of the municipality in which the display is to be held and shall be of such a character and so located discharged or fired as in the opinion of the Chief of the Fire Department or such other officer as may be designated by the governing body of the municipality after proper inspection shall not be hazardous to property or endanger any person or persons Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display After such privilege shall have been granted sales possession use and distribution of fireworks for such display shall be lawful for that purpose only No permit granted hereunder shall be transferable.

Section 3 The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than five hundred dollars ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display and arising from any acts of the licensee his agents employees or subcontractors

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations or organizations composed of Veterans of the United States Army or Navy

Section 5 The Pennsylvania Motor Police or any sheriff police officer or constable shall seize take remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale stored or held in violation of this act

Section 6 Any person firm copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the county jail not exceeding ninety (90) days or by both such fine and imprisonment

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed

Mr. JAMES. Mr. President, I move to Amend bill, last page of bill, by inserting at the end thereof, the following:

S Section 8. This act shall become effective immediately upon its final enactment.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to prohibit the sale offering or exposing for sale of fireworks defiining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties

And the question recurring,

Will the Senate agree to the bill on second reading as amended?

It was agreed to:

And said bill as amended having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 140, on third reading, entitled:

An Act affecting cities of the second class A authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of elections and officers of boroughs townships and cities of the second class A and providing for the payment of the indebtedness of the various territorial units involved

go over in its order temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 158, entitled:

An Act to amend section one thousand two hundred six of and to add section one thousand two hundred six and one-tenth to the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Common-

wealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election and imposing additional duties upon the counsels for the county boards of elections

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I have no interest in this bill, but I think some of the gentlemen in other counties do. This bill provides that judges in second and third class counties shall sit on election day in only one county and that all cases will have to be heard there. That is a matter that perhaps may interest other counties but I have no interest in it.

Mr. CAVALCANTE. Mr. President, there is nothing wrong with this bill. A judge that has three counties on election day can not sit in three counties at the same time. He cannot sit eight hours in one county, eight hours in another, and eight hours in another.

Mr. REED. Mr. President, I think there is another provision in this bill, I think this is the bill which provides that counsel for the board must sit during the day during certain hours of the day.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 169, entitled:

An Act relating to parks farms glens or picnic grounds owned and operated by charitable associations for the use of the public without charge authorizing the adoption of rules and regulations pertaining to such property providing for the appointment of park policemen for their enforcement imposing penalties for violations thereof and extending the jurisdiction of aldermen and justices of the peace thereto

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, nd were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 205, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities other than cities of the first and second classes the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 235, entitled:

An Act to repeal the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicles appraisers

establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authhorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providing for appeals to the courts from decisions of the commission imposing penalties and making appropriation" and abolishing the motor vehicles dealers' commission and terminating the terms of its members

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 294, (House Bill No. 443), on third reading entitled:

An Act to amend the appropriation act, approved the fifth day of June, one thousand nine hundred thirty-seven (Appropriation Act No. 51-A), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways; and excluding the provision for expenditure by the Department of Highways of such balances, the taxing and budgeting limitations on townships of the second class, and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 305, (House Bill No. 374), entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution. and were as follows, viz:

YEAS—41.

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 332, entitled:

An Act to amend section one of the act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 50) entitled "An act to reorganize the Board of Trustees of The Pennsylvania State College" making the Secretary of Mines an exofficio member of the Board of Trustees of the Pennsylvania State College and providing other changes in the membership of said board

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 336, entitled:

An Act authorizing counties to convey or lease property needed or convenient as a site for a county court house to the General State Authority to acquire additional property for such purpose and to contract with and lease property from said Authority

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrich,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 337, entitled:

An Act to further amend section four of and to add Section 9 to the act approved the twenty-eight day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from counties and the leasing of projects by the Authority to counties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. FARRELL. Mr. President, I ask unanimous consent that Senate Bill No. 416, on third reading, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school Boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisition for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments that the exercise of such power

shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 419, entitled:

An Act to amend Section 202 of and add a new Section 425A to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain adminstrative departments boards and commissions defining the powers and duties of the Governor and other executive officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Geldar,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesk,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 420, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties cities boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and repealing certain acts and parts thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Geldar,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesk,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission Conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instumentalities political subdvisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 457, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May, one thousand eight hundred eighty-five, entitled, "An act to provide for the incorporation and regulation of natural gas companies," enlarging the powers of such corporations; and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill??

BILL POSTPONED

Mr. CHAPMAN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 458, entitled:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 459, on third reading, entitled:

An Act relating to recognizances and official bonds of present and future sheriff's and coroners and to their sureties thereon imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions dispensing with sureties on such recognizances but providing for the acknowledgment recording and indexing of same as liens on certain real estate regulating such liens and releases therefrom providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances and repealing inconsistent laws except as to existing claims or pending suits thereunder subject to certain limitations

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. FARRELL. Mr. President, I ask unanimous consent that Senate Bill No. 486, on third reading, entitled:

An Act authorizing certain existing beneficial or protective societies, heretofore incorporated, to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such corporations and limiting the amount for which such corporations may issue policies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 492, entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Monroe, Mr. Crowe.

The PRESIDENT. Will the Senator from Monroe permit himself to be interrogated?

Mr. CROWE. I will, Mr. President.

Mr. DENT. Mr. President, is it true that this bill deals with insurance?

Mr. CROWE. That is correct, Mr. President.

Mr. DENT. Mr. President, I was told that the gentleman from Monroe is in the insurance business. Is that true?

Mr. CROWE. Mr. President, not since I became a Senator.

Mr. DENT. I just wanted to clear myself on that point, Mr. President. If the Senate remembers, the Senator from Monroe, at one time asked me a question which I would like to put to him now. Does he believe in Santa Claus?

Mr. CROWE. Mr. President, for the information of the Senator from Westmoreland, I would say this has to do with negro burial companies that operate principally in Philadelphia; and I do not operate in Philadelphia, even though I am in the insurance business.

The PRESIDENT. I do not think the Senator from Monroe answered the question of the Senator from Westmoreland. The question was: Do you believe in Santa Claus?

Mr. DENT. Yes or No, Mr. President.

Mr. JASPAN. Mr. President, I desire to interrogate the Senator from Monroe.

The PRESIDENT. Will the Senator from Monroe permit himself to be interrogated?

Mr. CROWE. Mr. President, I will.

Mr. JASPAN. Mr. President, I want to know if this bill is a dead issue?

Mr. CROWE. It is, Mr. President.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "No."

The PRESIDENT. It will be so recorded.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Edmonds,	Kunkel,	Rice,
Cavalcante,	Eroe,	Lanius,	Ruth,
Chapman,	Farrell,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Homsher,	Miller,	Tallman,
Dent,	James,	Owlett,	Thomas,
DiSilvestro,	Jaspan,	Pierson,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 537, entitled:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I ask unanimous consent to amend Sec. 1, page 1, line 6, by striking out the words: S "twenty-two" and inserting in lieu thereof: "twenty-one"

The PRESIDENT. Is there objection? The Chair hears none.

Ordered, That said bill be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063), on third reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 636, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 642, entitled:

An Act to further amend Section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and childrens' exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of

accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by making further provision for the investment of trust funds in interest-bearing deposits

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 748, entitled:

An Act to amend section forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents on, and boards of school directors imposing penalties and repealing existing legislation" to provide for the preservation of registration records

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILLS POSTPONED

Mr. MILLER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 749, on third reading entitled:

An Act to amend sections thirty-three and thirty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 750, on third reading, entitled:

An Act to amend section thirty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commission commssioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to provide for the preservation of registration records

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 751, on third reading entitled:

An Act to amend sections thirty-two and thirty-three of act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the

permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of election and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefore and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to third reading and consideration of Senate Bill No. 759, entitled:

An Act to amend section one of the act approved the seventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws one hundred fifty-eight) entitled "An act creating a Legislative Reference Bureau providing for the election of a director by the General Assembly designating the officers and employes of such bureau defining their duties fixing their salaries abolishing the present Legislative Reference Bureau and making an appropriation" providing for the location of the bureau

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I understand that this bill merely gives space to the Legislative Reference Bureau in the Finance Building when it is completed—in the Capitol when the Financial Building is completed.

Mr. OWLETT. That is correct.

Mr. SHAPIRO. That is all it does, Mr. President?

The PRESIDENT. That is correct.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 761, on third reading, entitled:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes

be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 808, entitled:

An Act to amend section one of the act approved the twenty-seven day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" extending provisions to include boroughs incorporated towns or townships and for taking over or building such connecting roads not exceeding one mile in length

And said bill having read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Ruth,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Homsher,	Miller,	Stiefel,
Deitrick,	James,	Owlett,	Tallman,
Dent,	Jaspan,	Pierson,	Thomas,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 50, as follows:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article twelve is hereby amended by adding a new section to read as follows

Section 4 Appointments and promotions in the civil service of the State Government shall be according to merit and fitness to be ascertained so far as practicable by competitive examination

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 153, as follows:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first one thousand nine hundred and thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums of money or so much thereof as may be necessary are hereby specifically appropriated out of the Motor License Fund to the agencies and for the purposes hereinafter specified for the two fiscal years beginning June first one thousand nine hundred and thirty-nine

It shall be unlawful for any department to requisition and expend moneys out of the Motor License Fund during the said two fiscal years for any of the purposes specified in this act in excess of the sums appropriated by this act Provided however that moneys in the Motor License Fund not otherwise appropriated by this act or by other acts adopted at the session of the General Assembly of one thousand nine hundred and thirty-nine making appropriations out of the Motor License Fund for specific purposes shall nevertheless be available for expenditure by the appropriate department or board for the purposes for which no specific appropriations have been so made in accordance with the provisions of existing law making a continuing appropriation of the moneys in the Motor License Fund

TO THE DEPARTMENT OF HIGHWAYS

(a) For the payment of the salaries wages or other compensation and the traveling and other necessary expenses of the Secretary of Highways such deputies directors superintendents bureau and division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of the department at the state capitol and in its various district offices and in connection with the maintenance and operation of its buildings and plants and the salaries of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department for handling any legal business pertaining to its work the sum of eight million five hundred thousand dollars ($8,500,000)

(b) For the payment of wages of persons employed by the day or week or month for work in connection with the upkeep repair and maintenance of the state highways and bridges thereon the sum of thirty million dollars ($30,000,000)

(c) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment (other than road supplies materials and equipment) fuel motor vehicles printing and binding premiums on policies of insurance covering motor vehicles operated by employes of the department surety bonds for officers and employes of the department required to furnish such bonds the sum of three million three hundred thousand dollars ($3,300,000) Provided however that all contracts for insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(d) For the payment of rentals for branch buildings and repairs thereto the sum of three hundred thousand dollars ($300,000)

(e) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines the sum of six hundred thousand dollars ($600,000)

(f) For the payment of transportation medical attendance hospital charges for employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or the dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department the sum of one million eight hundred thousand dollars ($1,800,000)

(g) Subject to the approval of the Governor and the Department of Property and Supplies for the purchase or acquisition of land in the name of the Commonwealth for the purpose of erecting thereon garages storage sheds laboratories and other buildings necessary in connection with the construction improvement reconstruction replacement or maintenance of highways and for the erection on land thus acquired of such garages storage sheds laboratories or other buildings for the sum of two hundred thousand dollars ($200,000)

(h) For the propagation or purchase of trees shrubs vines or grass for planting on or along state highways and the maintenance of the same the sum of two hundred thousand dollars ($200,000)

(i) For the purchase installation and maintenance of signs and traffic signals on state highways the sum of five hundred thousand dollars ($500,000)

(j) For the payment of traveling expenses and witness fees in the amount of two dollars ($2.00) per capita per diem to witnesses testifying for the Commonwealth the sum of one hundred thousand dollars ($100,000)

(k) For the payment of wages of persons employed by the day or week or month for work in connection with the construction or resurfacing of highways and bridges for the payment of the cost of materials and supplies and equipment directly used in the upkeep repair and maintenance or the resurfacing or construction of highways for the payment of highway and bridge construction and reconstruction costs through contracts between the Department and private contractors the sum of one hundred ten million dollars ($110,000,000)

TO THE DEPARTMENT OF REVENUE

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the commissioner of Motor Vehicles and such other officer or officers of the Department of Revenue as are appointed to have charge of the activities of the department relating to motor vehicles and such deputies directors superintendents bureau and division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be engaged in administering and enforcing the laws rules and regulations relating to the operation of aircraft landing fields and intermediate landing fields

and for the proper conduct of the work of the Department of Revenue in titling and registering motor vehicles trailers and tractors licensing the operators of motor vehicles and for the collection of liquid fuels taxes and for the payment of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the Department of Revenue for handling any legal business pertaining to the above work the sum of two million two hundred twenty-five thousand dollars ($2,225,000)

(b) For the purchase maintenance storage and repair of furniture furnishing stationery supplies materials equipment fuel motor vehicles aircraft printing and binding premiums on policies of insurance covering motor vehicle or aircraft operated by employes of the department surety bonds for officers and employes of the department required to furnish such bonds in connection with the work specified in the clause (a) the sum of five hundred thousand dollars ($500,000) Provided that all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(c) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices and machines in connection with the work specified in clause (a) the sum of six hundred fifty thousand dollars ($650,000)

(d) For the payment of rentals of branch buildings and repairs thereto in connection with the work specified in clause (a) the sum of thirty thousand dollars ($30,000)

(e) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employe or dependents of deceased employe or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department employed in connection with the work specified in clause (a) the sum of thirty thousand dollars ($30,000) Provided that such insurance shall be carried only with the approval of the Governor

(f) For the payment of traveling expenses and witness fees in the amount of two dollars ($2.00) per capita per diem to witness testifying for the Commonwealth at hearings the sum of ten thousand dollars ($10,000)

(g) For the payment of expenses in connection with traffic safety additional work exhibits photography and other exhibitions or additional accessories and for all other expenses of every kind and description necessary effectually to carry on its work as specified in clause (a) the sum of four hundred thousand dollars ($400,000)

(h) For the purchase of motor vehicle registration plates and other expenses incidental thereto the sum of five hundred thousand dollars ($500,000)

(i) For the payment of rewards for the detection of fraud the sum of ten thousand dollars ($10,000)

(j) For the purpose of installing conditioning improving equipping maintaining and operating air navigation facilities intermediate landing field equipment beacon sights landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields intermediate landing fields beacon sights and air navigation facilities the sum of three hundred thousand dollars ($300,000)

(k) For all other expenses of every kind and description necessary for the performance by the department of the aforesaid work the sum of fifty thousand dollars ($50,000)

TO THE TREASURY DEPARTMENT

For the payment to the Treasury Department of the cost of making disbursements out of the motor license fund on behalf of the Department of Revenue and the Department of Highways the sum of three hundred thousand dollars ($300,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund

TO THE DEPARTMENT OF AUDITOR GENERAL

For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the motor license fund and in auditing annually periodically or specially the affairs of the Department of Revenue and the Department of Highways in connection with expenditures from the motor license fund the sum of two hundred twenty thousand dollars ($220,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund

TO THE DEPARTMENT OF PROPERTY AND SUPPLIES

(a) For the payment to the Department of Property and Supplies for space occupied in the capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue and the Department of Highways in the performance of their respective duties in connection with administering and enforcing the laws rules and regulations relating to highways the operation of aircraft landing fields intermediate landing fields in titling and registering motor vehicles trailers and tractors licensing the operators of motor vehicles and the collection of liquid fuels taxes the sum of four hundred thousand dollars ($400,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund

TO THE PENNSYLVANIA MOTOR POLICE

For the payment of the work of the Pennsylvania Motor Police in enforcing the laws regulating the use of the highways of this Commonwealth and in assisting the Department of Revenue in the collection of motor license fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses the sum of eight million dollars ($8,000,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund shall be credited to the current appropriation out of the General Fund to the Pennsylvania Motor Police and shall be available for the purposes for which such appropriation is appropriated by law

Section 2 In the event of a public catastrophe or emergency involving an increase in the allotment of public funds above the amount specified in Section 1 hereof the Governor and the Auditor General may authorize a transfer of funds from any item of this bill to any other item thereof

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 198, as follows:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds or other obligations of corporations when such mortgages bonds or obligations contained minor defects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any real estate has heretofore been sold at sheriff's sale upon a judgment of foreclosure or upon any judgment on a bond or other obligation of a corporation and such mortgage bond or obligation issued by the corporation was defective in that it failed to have affixed thereto the corporate seal or it was improperly acknowledged or it failed in any other minor and unsubstantial manner to comply with the requirements of existing law relative thereto such sale shall not be invalidated by reason of such defects but is hereby ratified confirmed and validated and the title acquired by the purchaser at such sale is hereby declared to be as full complete and valid as if such defects had not existed

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 244, as follows:

An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charges on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection 7 of paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" which was added to the said section by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred forty-five) is hereby amended to read as follows

Subsection (7) Fractional Interests Fractional undivided interests in any investment in which a fiduciary is authorized by this section to invest trust funds or in a common trust fund to such investments including a mortgage investment fund containing such investments and other assets established and being maintained by any trust company or by any bank and trust company or national banking association in its trust department in accordance with the laws of this Commonwealth such fractional interests being apportioned among estates of which the person or corporation creating such fractional undivided interest is the fiduciary An individual fiduciary may join in the investment of the funds of the estate of which he is a fiduciary in such investments when such individual fiduciary is acting as a co-fiduciary with the person trust company bank and trust company or national banking association creating such fractional undivided interests or with the trust company bank and trust company or national banking association establishing and maintaining any such common trust fund or mortgage investment fund

In the case of an investment in a fractional interest in a bond or other obligation secured by a mortgage if the date of such investment is subsequent to the original date of such mortgage or to the date of any renewal or extension of such mortgage such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value at the date of such investment of the real estate subject to such mortgage Provided That such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bond or other obligation secured by such mortgage does not exceed two thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary In the case of an investment in a mortgage investment fund established and being maintained by any trust company or by any bank and trust company or national banking association in its trust department no new appraisement of the assets contained in such fund shall be required at the date of such investment provided such assets are appraised at least once every three years

Section 2 This act shall become effective immediately upon its final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 244, the bill just read, be recommitted to the Committee on Banking, for the porpose of a Public Hearing.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, just for the purpose of the record, this is not a recommitment. It came out of the Committee on Judiciary General and is now being committed to the Committee on Banking, after second reading, for the purpose of a public hearing.

THE PRESIDENT. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 279, (House Bill No. 243), entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 284, (House Bill No. 356), entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 293, (House Bill No. 442), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 303, (House Bill No. 370), entitled:

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to foreiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within certain bequests or devises are void

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN, Mr. President, I ask unanimous consent that Senate Bill No. 340, (House Bill No. 172), on second reading, entitled:

An Act to amend section two of act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to the matter to be printed in the Legislative Journal

go over in its order.

The PRESIDENT. It there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 437, (House Bill No. 254), entitled:

An Act to amend section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred and thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of election imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violations of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for compensation for services rendered by constables and their deputies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 443, (House Bill No. 498), on second reading, entitled:

An Act to amend sections two and five of the act approved the first day of July one thousand nine hundred

nineteen (Pamphlet Laws seven hundred seventeen) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes

go over in its order.

The PRESIDENT. It there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 476, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class and second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction of maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Jeannette

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the city streets adopted as State highways in the City of Jeannette by the act to which this is a supplement the following sections of city streets in said city are hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Commencing at a point on the Jeannette City-Hempfield Township line thence in a northwesterly direction on Agnew Road to an intersection with Lewis Avenue thence in a northeasterly direction on Lewis Avenue to an intersection with Chambers Avenue thence in a westerly direction on Chambers Avenue to an intersection with Cuyler Avenue in the City of Jeannette Westmoreland County a distance of about 0.72 of a mile

Commencing at a point on the Jeannette City-Penn Township line thence in a southwesterly direction on Ferree Avenue to an intersection with Third Street thence continuing in a southwesterly direction on Third Street to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 0.62 of a mile

Commencing at a point on the Jeannette City-Penn Township line thence in a southerly direction on Claridge Road to an intersection with Fourth Street thence in a southwesterly direction on Fourth Street to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 0.45 of a mile

Commencing at a point on the Jeannette City-Hempfield Township line thence in a northeasterly direction on Brown Avenue Extension to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 0.13 of a mile

Commencing at a point on the Jeannette City-Hempfield Township line thence in a southeasterly direction on Walnut Street to an intersection with Lowry Avenue thence in a northeasterly direction on Lowry Avenue to an intersection with Division Avenue thence in a westerly direction on Division Avenue to an intersection with Fourth Street thence in a northeasterly direction on Fourth Street to an intersection with Chambers Avenue thence in a southeasterly direction on Chambers Avenue to an intersection with Cuyler Avenue thence in an easterly direction on Cuyler Avenue to an intersection with Second Street thence in a northeasterly direction on Second Street to an intersection with Third Street thence in a northeasterly direction on Third Street to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 1.83 miles

Commencing at a point on the Jeannette City-Penn Borough line thence easterly on Penn Avenue to Twelfth Street thence north on Twelfth Street to Clay Avenue Extension thence east on Clay Avenue Extension to Ninth Street thence south on Ninth Street to Magee Avenue thence east on Magee Avenue to a point at Magee Avenue and Second Street in the City of Jeannette Westmoreland County a distance of about 1.3 miles

Commencing at a point on the Jeannette City-Penn Borough line where Eleventh Street in the Borough of Penn intersects said line thence in a southerly direction on Eleventh Street extension to Penn Avenue in the City of Jeannette Westmoreland County a distance of about 0.04 of a mile

Commencing at a point on the Jeannette City-Penn Township line thence in a general southeasterly direction on Harrison Avenue to Route 64234 at the Jeannette City-Penn Township line in the City of Jeannette Westmoreland County a distance of about 1.29 miles

Commencing at a point on the Jeannette City-Hempfield Township line thence in an easterly direction on the Lincoln Highway to the Jeannette City-Hempfield Township line in the City of Jeannette Westmoreland County a distance of about 0.09 of a mile

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 504, as follows:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court the judges thereof to consist of the retired judges of the Supreme Superior Common Pleas and Orphan's Courts and to perform auxiliary judicial services in the several courts of the Commonwealth and providing for their necessary expenses and for the continuation of their retirement pay while performing such services

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All judges of the Supreme Superior Common Pleas and Orphans' Courts of this Commonwealth who shall have served in judicial office for twenty (20) years or more prior to the date of their resignation or retirement or who may hereafter resign or retire after having served such length of time shall be and they are hereby constituted an Auxiliary Court with general jurisdiction over the Commonwealth of Pennsylvania Such judges are hereby authorized and empowered subject to the provisions of this act to hear try and determine cases with the same effect as they did when in full commission

Section 2 Such judges shall perform judicial duties only in courts exercising the same jurisdiction as those

courts in which they rendered active service under their commissions and in such lower or inferior courts as may now or hereafter exist within the Commonwealth

Section 3 Such judges shall act as auxiliary judges only when by reason of sickness absence from the State or other disability a regularly commissioned judge is unable to perform the duties of his office or where the services of an additional judge are necessary and legally proper for the dispatch of judicial business or when a court is temporarily reduced in active membership below the number of judges provided by law for that tribunal No auxiliary judge on the retired list shall exercise any judicial function unless designated or called into judicial service for that purpose by the Chief Justice of the Supreme Court the President Judge of the Superior Court or the President Judges of the several courts of this Commonwealth in the manner now or hereafter provided by law in the case of the assignment of judges to districts other than their own

Section 4 No retired or auxiliary judge shall perform any service by virtue of this act if and while he is engaged in the practice of law in any court of this Commonwealth or elsewhere Each of such judges who is willing or desires to take advantage of this act before entering upon the performance of any service thereunder shall file of record in the office of the prothonotary of the Supreme Court at Philadelphia a certificate under his hand and seal that he is not engaged in the practice of law

Section 5 Such auxiliary judges when called into judicial service shall be paid their necessary expenses incurred in the discharge of their duties under this act Such expenses shall be paid from the appropriation for the compensation carfare and expenses of judges holding court outside of their own judicial districts but in no event shall such expenses interfere with or affect in any way the retirement pay which such judges may receive from the State Employes Retirement Board or under any act or acts providing therefor

Section 6 All acts and parts of acts inconsistent herewith are hereby repealed

Section 7 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 505, as follows:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Wherever heretofore any bank and trust company trust company or national banking association shall have purchased with funds held by it as fiduciary any mortgage or other asset owned by it and held in its commercial department and the said purchase has been made in good faith and without profit to said bank and trust company trust company or national banking association and otherwise in compliance with law said purchase shall be and the same is hereby declared to be valid shall not hereafter be subject to disavowal by any party Provided that this act shall not apply in cases actually in litigation

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 579, (House Bill No. 1165), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 591, as follows:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" by extending the jurisdiction of the orphans' court to include partition proceedings between heirs of a deceased co-tenant and the surviving co-tenant

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the orphans' court of each county of this Commonwealth shall have jurisdicion but not exclusive jurisdiction in the partition and valuation of real estate within the county of any decedent testate or intestate whether such decedent was at the time of his death seized or possessed of such real estate solely or as tenant in common or joint owner with any other person or persons and whether or not the surviving spouse of such decedent shall elect to take against his or her will and notwithstanding there may be a limitation of an estate or interest in the premises or some part thereof to a person or persons not in existence and several undivided interests in any premises derived from different ancestors by descent or devise or the interests of the heirs of a deceased co-tenant and of the surviving co-tenant may be parted or valued in one proceeding in said court Provided That such court shall not have such jurisdiction during the continuance of any life estate in the whole of such real estate

(b) Partition may be made under this act of lands and coal-rights therein and of lands and timber-rights thereon of any decedent whether the rights of all the parties be coextensive with the whole or not and whether the rights of some of them extend only to the land and part of the coal therein or only to the land and part of the

timber thereon or only to an undivided interest in the land or in the coal therein or in the timber thereon and any person having an interest as herein set forth may compel partition of the entire tract of land and coal or land and timber provided said coal or said timber has not been entirely severed so as to constitute a separate estate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 594, as follows:

An Act to further amend section three of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" providing for the licensing of certain nurses without examination

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" as amended by section two of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-five (Pamphlet Laws ninety-three) is hereby further amended to read as follows

Section 3 No application for original registration as a registered nurse shall be considered unless accompanied by a fee of ten ($10.00) dollars Every applicant to be eligible for examination as a registered nurse must furnish evidence satisfactory to the board that he or she is twenty-one years of age or over is a citizen of the United States is of good moral character has completed work equal to a standard high school course as evaluated by the Department of Public Instruction and has graduated from a school of nursing which gives at least a two years' course of instruction or has received instruction in different schools of nursing connected with hospitals for periods of time amounting to at least a two years' course as aforesaid and then graduated which school or combination of schools of nursing must be on the approved list issued by the State Board of Examiners for Registration of Nurses as hereinafter provided Provided That a graduate nurse registered in any state of the United States where the requirements for registration in the judgment of the board are at least equal to the requirements of law for such nurses in Pennsylvania may at the discretion of the board be registered without examination upon application in writing on forms provided by the board and upon the payment of a fee of ten ($10.00) dollars And provided further That any nurse who graduated from a school of nursing prior to one thousand nine hundred and twenty-two and who has practiced nursing continuously for a period of five years or in the aggregate of ten years shall be licensed as a registered nurse without examination and without complying with the above requirements as to education and training upon written application to the board setting forth such facts and the payment of a fee of ten ($10.00) dollars

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 602, (House Bill No. 738), entitled:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 603, (House Bill No. 755), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 318.

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 318, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," as previously reenacted and amended by continuing the State personal property tax for a further limited period of time.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 318

Whereupon,

A motion was made by Mr. OWLETT and Mr. CAVALCANTE,

That the Senate insists upon its amendments to the foregoing bill, non-concurred in by the House of Repre-

sentatives, and appoint a Committee of Conference to confer with a similar committee of the House of Representatives (if the House should appoint such a committee) to consider the difference existing between the two Houses in relation to said bill.

Which was agreed to,

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 606, (House Bill No. 868), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 608, (House Bill No. 947), entitled:

An Act to repeal the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 475), entitled "An act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled 'An act for the better government of cities of the first class of this Commonwealth,' by abolishing the department of receiver of taxes, and transferring its powers and duties of the department of city treasurer and abolishing the office of receiver of taxes"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 612, as follows:

An Act to regulate the acquiring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No person now or hereafter confined in any public institution outside of the Commonwealth of Pennsylvania shall acquire a legal settlement in this Commonwealth or in any county in this Commonwealth by virtue of the establishment of a residence in this Commonwealth of the husband wife or parent or parents of the wife husband or the minor child as the case may be

Section 2 It shall be unlawful for any person public official corporation association or institution to bring or send or cause to be brought or sent into the Commonwealth of Pennsylvania an inmate of any public institution outside of the Commonwealth of Pennsylvania for the purpose of placing such inmate in any public institution in the Commonwealth of Pennsylvania without first obtaining the written consent of the Department of Welfare of this Commonwealth

Section 3 Any person who shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment for a term not exceeding six (6) months or both

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 622, (House Bill No. 527), entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 631, (House Bill No. 967), entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guard

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 632, (House Bill No. 972), entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 635, as follows:

An Act to amend section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income poviding for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift of eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions and declaring bonds of an authority negotiable instruments proper for legal investments and free from taxation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefore prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" is hereby amended to read as follows

Section 17 Bonds of an Authority An authority shall have power to issue bonds for any of its corporate purposes An Authority may issue such types of bonds as it may determine including bonds on which the principal and interest are payable (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds or with such proceeds together with a grant from the Federal Government in aid of such project (b) exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds or (c) from its revenues generally Any such bonds may be additionally secured by a pledge of any revenues including grants or contributions from the Federal Government or any agency and instrumentality thereof or a mortgage of any housing project projects or other property of the Authority

The bonds issued by an Authority are hereby declared to have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

If the bonds of an Authority created under the provisions of this act are secured by pledge of annual contributions to be made by the United States Government or any agency or instrumentality thereof such bonds and the income therefrom shall at all times be free from taxation for state or local purposes under any law of this Commonwealth

Neither the members of the Authority nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof Such bonds or other obligations of an Authority shall not be a debt of any city county municipal subdivision or of the Commonwealth and shall so state on their face nor shall any city county municipal subdivision or the Commonwealth nor any revenues or any property of any city county municipal subdivision or of the Commonwealth be liable therefor

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 637, as follows:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all taxes delinquent for more than any one fiscal year and providing remedies and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Mineral deposits" Coal iron rock sand gravel and any other mineral substances which prior to separation therefrom is or has been taxable as real estate

"Municipalities" Counties institution districts poor districts cities boroughs incorporated towns townships and school districts

Section 2 It is unlawful for the owner of any mineral deposits in on or under any tract of land of this Commonwealth or for any other person partnership association or corporation in any fiscal year of any municipality to separate or remove or authorize the separation or removal of any of said mineral deposits from said tract prior to the payment in full of all taxes delinquent for more than any one fiscal year which have been levied by any municipality upon said tract of land or the said mineral deposits while forming part of the real estate Provided however That this act shall not apply in instances where delinquent taxes are now or may hereafter be paid by installments as authorized by law unless and until there occurs delinquency in complying with the law authorizing such payment in installments or failure

to pay delinquent taxes which have not been included in said installment plan in which case the provisions of this act shall be in full force and effect

Section 3 Any person copartnership association or corporation who shall violate or authorize the violation of any provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five thousand dollars ($5,000) and may further at the discretion of the court be sentenced to undergo imprisonment for not more than one year

Section 4 The courts of common pleas of the proper county shall have power by injunction to compel compliance with the provisions of this act at the instance of any municipality concerned or any taxpayer thereof

Section 5 This act is intended as remedial legislation designed to cure existing evils and abuses and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose

Section 6 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 7 This act shall become effective immediately upon final enactment

Section 8 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 638, on second reading, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of taxes of the next preceding fiscal year and providing remedies and penalties

be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 675, as follows:

An Act for the registration and regulation of certain individuals and entites selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as "The Pennsylvania Securities Act"

Section 2 The follwing terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "security" means any bond stock collateral trust certificate transferable share investment contract certificate under a voting trust agreement treasury stock note debenture certificate in or under a profit sharing or participation agreement subscription or preorganization certificate fractional undivided interest in oil gas or other mineral rights evidence of indebtedness certificate of deposit for a security certificate or instrument representing or secured by an interest in the capital assets or property of any company other instrument commonly known as a security or certificate of interest or participation in temporary or interim certificate for receipt for guarantee of or warrant or right to subscribe to or purchase any of the foregoing

(b) The terms "sale" and "sell" include every contract of sale or disposition of attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value except that such terms do not include preliminary negotiations or agreements between an issuer and any underwriter Any security given or delivered with or as a bonus on account of any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value The use of any newspaper or magazine advertisement in connection with the sale of securities to the purchasers specified in section two subsection (f) subdivision (5) hereof shall not be deemed a "sale" when such newspaper or magazine advertisement bears a legible lengend in substance as follows "This offer is confined in Pennsylvania exclusively to national banks and to banks savings institutions insurance companies and trust companies created under the laws of Pennsylvania and to persons registered under the provisions of the Pennsylvania Securities Act"

(c) The term "person" means an individual or a company

(d) The term "commission" means the Pennsylvania Securities Commission

(e) The term "company" means a corporation joint stock company partnership association company syndicate trust or unincorporated organization As used herein the term "trust" shall be deemed to include a common law trust but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity

(f) The term "dealer" means any person other than a salesman who engages in this State either for all or part of his time directly or through an agent in sellig securities issued by another person The term "dealer" also includes any person other than a saleman who engages in this State either for all or part of his time directly or through an officer director employe or agent (such officer director employe or agent not being registered hereunder as a dealer) in selling securities issued by such person

The term "dealer" also includes any person other than a salesman who engages in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such person or in the business of buying securities directly from individuals who are not registered hereunder

None of the following transactions shall constitute the person engaging therein a "dealer" within the meaning of this act that is to say

(1) Sales of securities or of certificates of deposit for securities issued or guaranteed by any of the following The United States or any territory or insular possession thereof the District of Columbia any State of the United States or any political subdivision public instrumentality or agency of a State or territory or any board agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States

(2) Judicial executors' administrators' guardians' com-

mittees' and conservators' sales and sales by receivers or trustees in insolvency or bankruptcy

(3) Isolated transactions in which securities are sold by the owner thereof or by his agent for the owner's account such sales not being made in the course of repeated and successive transactions of a like character by such owner or on his account by such agent and such owner or agent not being the underwriter of such securities

(4) Sales by or for the account of pledge-holders or mortgages selling in the ordinary course of business to liquidate bona fide debts securities pledged in good faith as security for such debts

(5) Sales to national banks or to banks savings institutions insurance companies or trust companies created under the laws of this State or to persons registered hereunder

(6) Sales of unsecured commercial paper

(7) Sales of securities secured by mortgage deed of trust or other lien upon real or personal property where the entire mortgage deed of trust or other lien is transferred with the entire security thereby secured

(8) Sales wherein the issuer a company organized under the laws of this State or a company organized under other laws which has at least one-half of its paid-in capital invested employed or used in this State disposes of its own securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer without any commission or fee and at a total expense of not more than three per centum of the proceeds realized thereon and where no part of the issue is used directly or indirectly in payment for patents services good will or for property located outside of this State

(9) Sales wherein the securities are the securities of any corporation organized under the laws of this State whose authorized capital stock added to its other outstanding securities does not exceed twenty-five thousand dollars ($25,000) shares of stock without nominal or par value being considered for the purpose of this act to be one hundred dollars ($100) each and such securities are issued and disposed of for the sole account of the issuer in good faith and not for the purpose of avoiding the provisions of this act

(10) The original issuance and sale by any corporation organized under the laws of this State of its stock in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer so long as the number of stockholders of said corporation does not exceed twenty-five (25) and the securities are issued and disposed of without the use of advertisements circulars agents salesmen solicitors or any form of public solicitation

(11) The distribution by a corporation of securities issued by it to its security holders as stock dividend or other distribution out of earnings or surplus

(12) The issue of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities of claims of such security holders or creditors

(13) The issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders

(14) The transfer or exchange by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations

(15) The issuance and sale of its own stock by a building and loan association organized under the laws of this State

(16) The issuance and sale of its own securities by a corporation not organized and not engaged in business for profit

Provided however That the exemptions granted by subdivisions (8) (9) (10) and (12) of this subsection (f) shall not be effective to exempt any person as a "dealer" until after such person shall have filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail a statement in such form as the commission may prescribe of the facts relied on by such person to bring the proposed transaction within the terms of one or more of said subdivisions (8) (9) (10) or (12)

(g) The term "salesman" means any individual employed appointed or authorized by a dealer to sell securities in this State and the term includes any individual employed appointed or authorized by a dealer to engage in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such individual for a dealer or in the business of buying securities directly from individuals who are not registered hereunder

(h) The term "security" means the secretary of the Pennsylvania Securities Commission

(i) The terms "fraud" "fraudulent" and "fraudulent practice" include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise representation or prediction as to the future not made honestly and in good faith an international failure to disclose a material fact the gaining directly or indirectly through the sale of any security of any underwriting or promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and fraudulent and any scheme device or other artifice to obtain such a profit fee or commission Provided however That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity

(j) The term "prospectus" means any circular advertisement pamphlet prospectus program circular-letter circular-telegram or other matter in the nature thereof which offers any security for sale

Section 3 Unless registered hereunder no dealer shall sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof directly or indirectly in order to produce funds to pay for other investments sold by such dealer or in the business of buying securities directly from individuals who are not registered hereunder Unless registered hereunder as a salesman of such dealer no salesman shall on behalf of any dealer sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such salesman for the dealer for whom he acts as a salesman or in the business of buying securities directly from individuals who are not registered hereunder The list of dealers and salesmen registered hereundr shall at all tims be open to the public

Section 4 A dealer to be registered must submit sworn application therefor to the commission in such form as the commission may determine which shall state the principal place of business of the applicant wherever situated the location of his principal place of business and all his branch offices in this State if any his name or style of doing business and address the names residence and business addresses of all persons interested in the business as principals officers directors or managing agents specifying as to each his capacity and title the general plan and character of his business and the length of time during which he has been engaged in business Such application shall also contain a financial statement and such additional information as to the applicant's previous history record and associations as may be required by the commission Each application shall be accompanied by certificates or other evidences satisfactory to the commission establishing the good repute in business of the applicant his directors officers partners and principals If the applicant is a corporation organized under the laws of any other State or territory or government and shall not have qualified to do business as a foreign corporation in this

State it shall accompany the application with a copy of its articles of incorporation certified by the proper officers of such State territory or government and its regulations and by-laws if a limited partnership a copy of its articles of partnership and if an unincorporated association organized under the laws of any other State territory or government or having its principal place of business therein a copy of its articles of association trust agreement or deed of settlement

Section 5 Every company organized under the laws of any other State or having no office in this State at which process may be served on it and every nonresident individual applying for registration hereunder as a dealer or salesman shall file with his application an irrevocable written consent under seal that actions against him arising from violations of this act may be commenced (a) in civil cases in the proper court of the county in this State where his principal office is located at the time of service or if he has no office at that time in this State in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside (b) in criminal cases in the proper court of any county of this State in which the cause of action may arise and (c) in actions by the commission for injunctions against violations by him of the provisions of this act in the Court of Common Pleas of Dauphin County in each case by a service of process upon the commission as his agent Such consent shall stipulate and agree that such service of process and similar service of pleadings and notices in such actions shall be taken and held in all courts to be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other State Such consent shall be authenticated by the signature of all the members of such partnership or if it is a corporation or association shall be authenticated by the signature of the president and secretary thereof and accompanied by a duly certified copy of the resolutions of the board of directors trustees or managers of the corporation or association authorizing the said secretary and president to execute the same In case any process pleadings or notices mentioned in this act are served upon the commission it shall be by duplicate copies one of which shall be filed in the office of the commission and the other immediately forwarded by the commission by registered mail to the dealer or salesman against whom said process pleadings or notices are directed

Section 6 If the commission is satisfied that an applicant for registration as a dealer hereunder is of good repute and that the proposed plan of business of the applicant is not unfair unjust or inequitable the commission shall register the applicant and issue to him a registry certificate stating the principal place of business and address of the dealer the names residences and business addresses of all persons interested in the business as principals officers directors or managing agents and the fact that the dealer has been registered for the current calendar year as a dealer in securities Pending final disposition of an application the commission may for special cause shown grant temporary permission revocable at any time and subject to such terms and conditions as the commission may prescribe to transact business as a dealer hereunder At least ten days before putting into effect a change in the plan of business contained in his application for registration every registered dealer shall notify the commission of such proposed change If the commission is not satisfied that the change is fair just and equitable the commission may within such ten days give notice of that fact to such dealer Thereafter until he shall have been notified to the contrary by the commission such dealer shall not put into effect any such change Upon request from such dealer filed within ten days after the receipt of such notice the commission shall fix a time and place for hearing of which ten days' notice shall be given to such dealer to offer evidence relating to such change If satisfied as aforesaid as a result of said hearing the commission shall thereupon notify such dealer of that fact

Section 7 The certificates of registered dealers shall be in such form as the commission may determine Changes in the certificates necessitated by changes in the personnel of a partnership or in the principals officers directors or managing agents of any dealer may be made at any time upon written application setting forth the fact necessitating the change Upon the issue of the amended certificates the original certificate and the certified copies thereof outstanding shall be promtly surrendered to the commission

Section 8 Upon written application by a registered dealer and upon satisfactory evidence as to their good repute fitness and qualification the commission shall register as salesmen of such dealer such individuals (not already registered hereunder) as the dealer may request The application shall be in such form as the commission may prescribe and shall state the residences and addresses of the individual whose registration is requested together with such information as to such salesman's previous history record and association as may be required by the commission Such application shall also be signed and sworn to by the salesman for whom registration is requested The commission shall issue to each individual so registered a registration certificate stating his name and residence the address of the dealer and the fact that he is registered for the current calendar year as a salesman of the dealer The certificate shall be in such form as the commission shall determine Upon application either (a) by the salesman if the commission finds that such dealer arbitrarily refuses to apply after a hearing which shall be held at the request of any salesman and notice of the time and place of which shall have been sent to the dealer and salesman at least seven days prior thereto or (b) by the dealer the registration of any salesman shall be cancelled

Whenever a salesman leaves the employ of the dealer on whose application the salesman was registered hereunder such dealer shall at once notify the commission of that fact and such salesman shall at once surrender his registration certificate to the commission

Section 9 If the commission declines or fails to register an applicant for registration as a dealer or salesman hereunder the commission shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to his application If satisfied as aforesaid as a result of said hearing the commission shall thereupon register the applicant

Section 10 All registrations shall expire at the close of the calendar year but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically requested by the commission Applications for renewals must be made not less than thirty nor more than sixty days before the first day of January of the ensuing year All applications for renewals received otherwise shall be treated as original applications Provided That if an applicant is registered after December first of any year he may immediately apply for a renewal of his registration for the ensuing year

Section 11 Any registered dealer may and any individual named in the registration certificate as above provided as a dealer's salesman may in behalf of such dealer sell any securities in this State But such dealer or salesman shall at all times when so engaged carry with him a registration certificate or a copy thereof certified by the commission which shall at any time be shown to any prospective customer upon such customer's request

No dealer or salesman shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any sale or effort to sell any security except to a prospective customer upon such customer's request

Section 12 Immediately upon receipt of a dealer's registry certificate issued pursuant to the authority of this act the dealer named therein shall cause such certificate

to be posted and at all times conspicuously displayed in such dealer's principal place of business in this State and shall likewise forthwith cause a duplicate of such certificate to be posted and at all times conspicuously displayed in each branch office located in this State

Section 13 No dealer or salesman shall issue or publish in this State any prospectus until such dealer shall have been registered or temporary permission shall have been obtained as in this act provided The inclusion on the face of or within a prospectus or in a newspaper or magazine advertisement issued or published by or on behalf of a dealer who has been registered or by whom temporary permission has been obtained as in this act provided of the names of dealers not so registered shall not constitute a violation of this act Any advertising matter may by an appropriate readily legible legend printed thereon limit the offering thereby made to any particular character of sales or class of transactions in which event such advertising matter shall not be deemed to be for any other or additional purpose No dealer or salesman shall issue or publish in this State any prospectus unless a copy thereof in which or on a list attached to which the dealer's name appears as a proposed vendor shall have been filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail No dealer or salesman shall issue or publish within this State any prospectus after notice in writing given to him by the commission that in the commission's opinion the same contains any statement that is fraudulent false misleading or otherwise likely to deceive a reader thereof After three years from the receipt thereof by the commission it may in its discretion destroy any and all documents filed with it or mailed to it under the provisions of this section

Section 14 The commission may at any time require a dealer to file with it a list of securities which such dealer has sold in this State within the preceding six months or which he is at the time selling or any portion thereof and thereupon if it shall appear that any of such offerings of the dealer either (a) have not been made honestly or (b) have not been made in good faith (c) have been made with intent to deceive or defraud or (d) have been made without the dealer's having a reasonable amount of information concerning the issuer thereof the commission may prohibit the dealer from selling such securities in this State

Section 15 If the commission at any time has reason to believe that any dealer has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the dealer has been guilty of such offense revoke said dealer's registration Notice of the time and place of any such hearing shall be sent to such dealer If the commission believes that the public interest may be endangered by such dealer continuing in business pending or during such hearing the commission may also suspend such dealer's registration pending such hearing In either event the dealer shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of revocation or suspension of a dealer's registration all his registration certificates shall at once be surrendered to the commission upon its request The revocation or suspension of the dealer's registration shall constitute a revocation or suspension of the registration of all salesmen of the dealer and notice of its operation on such salesmen's registration shall be forthwith sent by the commission to each of such salesmen Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 16 If the commission at any time has reason to believe that any salesman of any dealer has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the salesman has been guilty of such offense revoke such salesman's registration Notice of the time and place of such hearing shall be sent to such dealer and to such salesman If the commission believes that the public interest may be endangered by such salesman continuing in business pending or during such hearing the commission may also suspend such salesman's registration pending such hearing In either event the salesman shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of the revocation or suspension of a salesman's registration as a result of proceedings under this section or in case of the revocation or suspension of a salesman's registration as a result of proceedings against a dealer under section fifteen hereof in either such event the registration certificate of such salesman shall at once be surrendered to the commission upon its request Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 17 Any notice required by this act shall be sufficient if sent by registered mail addressed to the dealer or salesman as the case may be at the address designated in the application for registration All testimony taken at any hearing before the commission shall be reported stenographically and a full and complete record shall be kept of all proceedings before the commission on any hearing or investigation

All decisions of the commission including decisions of the commission not to register a dealer or salesman and decisions to prohibit the issuance or publication of particular prospectuses or to prohibit the sale of particular securities shall be in writing signed by the secretary of the commission under its seal and shall fully state the grounds therefor

Section 18 Any person aggrieved by any decision of the commission may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Every such petition shall specify the petitioner's objections to the action and decision of the commission and no objection not so specified shall be considered by the court Upon service of a summons upon the commission returnable within ten days from its date the commission shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact if any of the commission based upon such testimony a copy of all orders made by the commission in the proceedings and a copy of the action or decision of the commission which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the commission by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the commission's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the commission shall be disregarded

The case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

A judgment sustaining the refusal of the commission to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration

nor shall a judgment in favor of the plaintiff prevent the commission from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered The court shall have full power to dispose of all costs

Section 19 The commission may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to any matter which the commission has authority under this act to consider or investigate and for this purpose it may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence The commission may require or permit any person to file with it a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter under investigation All information of every kind and nature so obtained shall be treated as confidential by the commission and shall not be disclosed to the public except under order of court but nothing in this section shall be interpreted to prohibit or limit the publication of the commission's ruling or decisions or of summaries abstracts or reports of the evidence received at hearings which resulted in such rulings or decisions or of summaries abstracts or reports of the reasons of the commission for declining to register any applicant if the applicant does not request a hearing upon his application Provided however That no publication shall be made of lists of security holders or customers of any person In case of disobedience of any subpoena or of the contumacy of any witness appearing before the commission the commission may invoke the aid of the court of common pleas within the jurisdiction of which the principal place of business of the dealer or salesman under investigation in this State is located or of any court of common pleas within the jurisdiction of which the witness may be found and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena to give evidence to produce books accounts records papers and correspondence or to file a statement under oath as aforesaid touching the matter in question Any failure to obey such order of the court may be punished by such court as a centempt thereof

Each witness required to attend before the commission shall receive for each day's attendance the sum of two dollars ($2.00) and shall receive in addition the sum of ten cents ($.10) for each mile of circular travel by such witness by the usual route between his home and the place where his presence is required All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this act as hereinafter provided for

The fees for serving a subpoena shall be the same as those paid the sheriff for similar services The fees and costs of or in connection with any hearing may be imposed by the commision upon any party to the record or may be divided between any or all parties to the record in such proportions as the commission may determine

Section 20 In any prosecution or proceeding under this act the accused shall be deemed to have knowledge of any fact or circumstances where in the exercise of reasonable diligence he could or should prior to the commission of the offense complained of have secured such knowledge

Section 21 No person shall by fraud or fraudulent practice induce holders of securities (a) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (b) to permit such person to dispose of such securities for the holders

Section 22 Any dealer or salesman who shall in this State without being registered hereunder either (a) sell any security (b) engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such dealer or by such salesman for a dealer or (c) engage in the business of buying securities directly from individuals who are not registered hereunder or any person who shall make any false statement of fact in any statement or matter of information required by this act to be filed with the commission or in any prospectus or communication which offers any security for sale or in any oral solicitation to purchase or in any commendatory matter concerning any security with intent to aid in the sale of the same who shall make any false statement or representation concerning any registration made under the provision of this act who shall be guilty of any fraud or fraudulent practice or who shall represent that the Commonwealth of Pennsylvania the Commission or any member thereof the Department of Banking or any officer or employe of any of the foregoing has approved of or recommended any security and any person violating section twenty-one of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars ($5,000) or imprisonment for not more than five (5) years or both Any person who shall commit in whole or in part any other act declared unlawful by this statute shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one (1) year or both

Section 23 Neither the members of the commission nor the secretary nor any deputy examiner clerk or other employe of the commission shall publish or divulge to any one any information contained in or ascertained from any examination or investigation made by the commission or any letter report or statement sent to the commission or any other paper or document in the custody of the commission except when the publication or divulgement of such information is made by the commission pursuant to the provisions of this Act or of any other law of this Commonwealth or when the production of such information is required by subpoena or other legal process of a court of competent jurisdiction or when it is used in prosecutions or other court actions instituted by or on behalf of the commission or in cooperation with any other governmental agency or when pursuant to specific written authorization by the commission it is used in investigations by the commission

A violation of the provisions of this section by any member of the commission or by the secretary or by any deputy examiner clerk or other employe of the commission shall be sufficient ground for his removal from office In addition any member of the commission or the secretary deputy examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one (1) year or a fine not exceeding one thousand dollars ($1,000) or both

Section 24 Copies of all papers instruments or documents filed in the office of the commission certified under its seal shall be admitted to be read in evidence in all courts of law and elsewhere in this State in all cases where the originals would be admitted in evidence Provided That in any proceeding the court having jurisdiction may on cause shown require the production of the originals

Section 25 Nothing herein contained shall limit or diminish the liability of any person now imposed by law or prevent the prosecution of any person for the violation of the provisions of any other act

Section 26 The administration of the provisions of this act shall be vested in the commission The commission shall have authority from time to time to make amend and rescind such rules and regulations including rules of practice hereunder before it and to prescribe such forms as may be necessary or convenient to carry out the provisions of this act It shall be the duty of the commission to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and in its discretion to make such investigations upon complaint or otherwise as will or may in its opinion detect the violation of any provision hereof In the event that it shall discover any such violation it shall in addition to revoking any registration take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof Whenever it shall appear to the commission that any person shall have violated is

violating or is about to violate any of the provisions of this act the commission may in addition to any other remedies bring an action in the name and on behalf of the Commonwealth of Pennsylvania against any such person to enjoin such person from doing any act or acts in violation of this act In any such court proceedings the commission may apply for and on demand shall be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employes salesman or agents and the production of documents books and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct or things complained of in such application for injunction In such action the several courts of common pleas shall have jurisdiction of the subject matter and a judgment may be entered awarding such permanent or temporary injunction as may be proper without bond

A certificate under the seal of the commission showing that the persons in question have not been registered either as dealers or salesmen shall constitute prima facie evidence that such persons have not been registered hereunder and shall be admitted in evidence in all proceedings in courts of law or equity within this Commonwealth

Section 27 The commission shall charge and collect the following fees and shall daily pay all fees received into the State Treasury through the Department of Revenue

(a) For the filing of any original or renewal application the sum of ten dollars ($10)

(b) For each registration certificate of a dealer whether on an original or a renewal application forty dollars ($40) except as hereinafter provided

(c) For each registration certificate of a salesman whether on an original or renewal application ten dollars ($10)

(d) For each registration certificate of a dealer issued after the first day of July of any year twenty dollars ($20)

(e) For each amended registration certificate twenty dollars ($20)

(f) For the filing of a notice of a proposed change in a dealer's plan of business twenty dollars ($20)

(g) For each duplicate of a registration certificate of a dealer twenty dollars ($20)

For copies of any papers filed in the office of the commission or for the certification thereof for transcripts of testimony taken at hearings before the commission for the preparation of records of proceedings before the commission and for issuing subpoenas and summons the commission shall charge such fees as it shall by general rule or regulation prescribe Provided however That the provisions of this section shall not prohibit the commission from issuing free of charge copies of records to other states or to the United States or any of their agencies

Section 28 This act shall become effective ten days after the final enactment thereof Provided however That all registration certificates issued by the Pennsylvania Securities Commission prior to the effective date of this act under the provisions of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" as amended shall be valid during the period for which they were issued unless sooner revoked or suspended by the commission for any cause for which the commission is authorized by this act to revoke or suspend a certificate of regiseration issued by it and all applications and proceedings pending before the Pennsylvania Securities Commission under the provisions of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven shall be continued before the commission and shall be disposed of according to the provisions of the said act And provided further That this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven as amended

Section 29 The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" and all amendments thereto are hereby repealed absolutely

All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 695, as follows:

An Act to deny a right of action and to relieve counties of liability for damages for injury to or destruction of property by action of a mob or in consequence of a riot and repealing inconsistent acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No person copartnership association corporation or political subdivision of the Commonwealth shall hereafter have any right of action against any county and no county shall hereafter be held liable for damages for injury to or destruction of property by the action of a mob or in consequence of a riot

Section 2 All acts and parts of acts general local or special inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 703, as follows:

An Act giving landlords a preference where goods are sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any case where personal property of a lessee is sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent the landlord shall always have and be entitled to a preference to the extent of three months' rent This preference shall apply to all goods whether held by the lessee under lease or otherwise whether exempt by law from such sale and whether the landlord has notice that such goods are so held by the lessee This act shall not apply to the sale of goods now held under lease by a lessee

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 718, (House Bill No. 900), entitled:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor districts and repealing a certain inconsistent section

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 743, as follows:

An Act to amend subsection VII of section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" permitting such credit unions to invest funds in loans to other credit unions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection VII of section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" is hereby amended to read as follows

VII To deposit its funds in State banks or trust companies or in National banks in this Commonwealth and to an extent which shall not exceed twenty-five per centum of its capital invest its funds in the following (a) First mortgages of real estate located in this Commonwealth the terms of which call for amortization by the payment from time to time of installments in reduction of principal (b) the paid up shares of such building and loan associations and such other credit unions as are organized under the laws of this Commonwealth and to an extent which shall not exceed ten per centum of the paid-in and unimpaired capital and surplus of the lending credit union in loans to other credit unions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 756, as follows:

An Act providing for the appointment of an acting president judge in any court of the Commonwealth having more than one law judge

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any court of this Commonwealth having more than one law judge when the president judge thereof by reason of absence illness or other incapacity or interest in any litigation is unable or disqualified to perform any of the duties devolving upon him by law or when the president judge shall request the appointment of an acting president judge the judge or judges of such court shall appoint one judge of said court as acting president judge until further order of said court and shall enter upon the records of said court a proper order showing such appointment

Section 2 Any acting president judge so appointed shall have all the powers and shall perform the duties now or hereafter specified by law as applicable to the president judge of said court

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 758, as follows:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When the Grand Jury of any county of this Commonwealth has considered evidence in support of a bill of indictment for any one or more offenses alleged to have been committed against the laws of this Commonwealth by a defendant and has made to the court a return of ignoramus the prosecution against the defendant on which the indictment was based shall be deemed finally ended and terminated unless the District Attorney of the county shall within fifteen (15) days from the date such bill was ignored petition the court in which the prosecution is pending for authority to re-submit the bill of indictment to the same or a subsequent Grand Jury

Section 2 No such petition to re-submit a bill of indictment therefore ignored shall be allowed by the court unless the District Attorney shall allege in his petition and shall prove by competent testimony that the bill of indictment was returned ignoramus by the Grand Jury by reason of oversight or fraud or mistake

Section 3 Due notice of the filing of any such petition for authority to re-submit any such bill of indictment shall be given to the defendant charged with such offense or offenses in such manner as the court may determine

To any such petition the person charged with the offense or offenses may file an answer at any time before the day of hearing thereon fixed by the court

Section 4 After consideration of the petition and answer and hearing the testimony of the District Attorney and the defendant the court shall make such order allow-

ing or dismissing the petition of the District Attorney as to it appears just and proper

Section 5 From any decision of the court allowing the petition of the District Attorney the defendant may appeal to the Supreme or Superior Court as in other cases

Section 6 This act shall apply to all pending prosecutions where a bill of indictment has been returned ingnoamus but in such cases the petition to re-submit the bill of indictment may be presented at any time within thirty (30) days from the effective date of this act and not thereafter

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 772, (House Bill No. 1064), on second reading, entitled:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. EALY. Mr. President, I move that Senate Bill No. 773, (House Bill No. 1167), on second reading, entitled:

An Act relating to the superannuated members of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death

be recommitted to the Committee on Appropriations for the purpose of further study.

The PRESIDENT. Is there objections?

Mr. KUNKEL. Mr. President, I object.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I should like to ask the Senator from Somerset why he desires that this bill go back to committee?

Mr. EALY. Mr. President, I am advised that this bill will cost the State of Pennsylvania a great deal of money and it opens up an entirely new class of pensioners. This bill has not been considered by the Appropriations Committee and, as it entails a very large expense on the part State of Pennsylvania, I am asking that it go back to committee for further study.

Mr. SHAPIRO. Mr. President, I understand the purpose of this bill, originally was, where a judge has served a certain number of years or dies while he is on the bench, that he is not retired under the present system, he can not collect. This corrects that by giving him the right to notify the Retirement Board in advance that he expects to retire at a specific age.

Mr. EALY. Mr. President, this bill goes very much further than that. I do not wish to take the time to read a letter from the actuary regarding these funds, and I think that the bill ought to go back to committee for further study.

Mr. WOODWARD. Mr. President, I second the motion.

Mr. SHAPIRO. Mr. President, why cannot the bill be allowed to go over in its order?

Mr. EALY. Mr. President, if the Senator from Philadelphia insists, I will read this letter, which will show the difficulties which will be brought about and what will be entailed by the passage of this bill.

Mr. KUNKEL. Mr. President, I would like to speak on that motion.

The PRESIDENT. Proceed.

Mr. KUNKEL. Mr. President, this bill takes care of cases where judges, who are members of the retirement system and who have contributed to that system for a number of years, meet with sudden death, having not elected to retire or notified the Board of intention to retire, and having made no election as to the provisions for receiving the benefits of the money they are entitled to, out of the retirement system.

Now, this bill was introduced into the House at the request of President Judge William M. Hargest, of the Dauphin County Court. It was drawn up by Mr. Fertig, who had been the Director of the Legislative Reference Bureau for a number of years.

As far as I know, the retirement system can carry cases of this kind. I do not see how any activities can set themselves up as prophets and say that the passage of this bill, which will do justice in cases of this sort, will actually ruin the fund.

That seems to me to be ridiculous and absurd on its face and, therefore, I question the sincerity of the reasons advanced for delaying the passage of this bill. I would like this bill to pass second reading now.

Mr. EALY. Mr. President, since the Senator from Dauphin insists that this matter be debated, I wish to read for his information, and the information of the Senate a letter from the actuary:

"In accordance with your request of the 25th, we have reviewed the bill known as House Bill No. 1167.

"If this bill were enacted into law it would materially increase the amount paid out in benefits and since there is no provision for increasing the rates of salary deductions of the members of the retirement system, the entire load of the added cost would fall on the State. This would mean increasing the biennial appropriations required to support the system.

"It would take some extensive and costly calculations to determine the exact additional cost of these benefits but I estimate that it might add as much as one fifth (1/5) to the cost, which would mean increasing the appropriations in that proportion. In view of the fact that the Retirement Board has asked for appropriation of $1,000,000 for the ensuing biennium for State Annuity Reserve Account No. 2, and $1,470,000 for the Contingent Reserve, the corresponding increase on the basis of one fifth (1/5) would be $200,000 for the State Annuity Reserve Account No. 2 and $294,000 for the Contingent Reserve, a total of $494,000.

"It would be very difficult to interpret the act for the reason that it creates a status, but does not outline the benefits payable under such status. It merely calls for the filing of an emergency application while the em-

ployе remains in active service and makes no reference to the benefits that would be provided should such emergency application be filed and the member die while still classified as in active service. I presume the thought was that the member would in connection with the filing of an emergency application indicate what might be called the option or mode of settlement that would be available, but the act makes no such provision. In estimating the increased cost of benefits I have had to take into consideration what would be the most natural choice of the member or the beneficiary and that would be the one of greatest benefit to them, and, therefore, of greatest cost to the State, which would probably be the 100% survivor annuity to the widow or other designated beneficiary.

"We should keep in mind that the Retirement System is designed for the specific purposes of providing incomes for retired employes of the State where retirement takes place on account of age after attaining age 60, or in the event of prior disability, or involuntary withdrawal from service after ten (10) years of service. It is not the purpose of the Retirement System to provide estates or life incomes for beneficiaries, unless at the time of retirement the member elects an option to make such provision. However, except for the result of adverse selections such options do not increase the obligations of the State and the cost to the State.

"The granting of the retirement status after twenty-five (25) years of service without the requirement of attaining age 60 is a feature of the bill which would in many cases greatly increase the outgo of benefit payments and accordingly the cost to the State, all of which has been taken into account in the above estimates."

Mr. WOODWARD. Mr. President, I had the honor of sponsoring this legislation in 1923. Now, one of the keystones of this whole thing is that if it is mutual—I discovered that the Judges had a pension and other employees had a pension and one hundred per cent came out of the treasury of the State. I take some credit for having set up this mutual system of retirement. This bill violates that keystone and the entire cost, additional cost, is placed on the State, and, therefore, it upsets the system and ought to be voted down.

Mr. KUNKEL. Mr. President, the objections of the Senators who are seeking to have this bill recommitted, clearly show that there underlying philosophy is to protect the dollar, magnifying the value of money as against doing justice and fairness to the individual.

I am in favor of being fair and just to judges who have contributed to the fund, even though they be judges, I am in favor of giving them a fair break and permitting them, and their heirs or their families, to receive some benefit out this retirement fund. This act enables that to be done and, therefore, I oppose the motion to recommit this bill to committee and ask for a roll call.

Mr. DENT. Mr. President, I should like to interrogate the gentleman from Dauphin?

The PRESIDENT. Will the gentleman from Dauphin, Mr. Kunkel, permit himself to be interrogated?

Mr. KUNKEL. Mr. President, I will.

Mr. DENT. Mr. President, is this act retroactive?

Mr. KUNKEL. No, Mr. President.

Mr. DENT. Mr. President, what benefit will come to the family of a judge who has already died.

Mr. KUNKEL. Mr. President, this Act amends the Retirement Act and it becomes effective upon its enactment.

Mr. DENT. I can undrestand that, Mr. President, if we put an enabling act covering specific cases, for instance, the case of a judge in my county who died and left a widow and daughter, he died suddenly and did not have opportunity to resign, and his family receives no benefit from the amount he paid into the fund. I can understand that. But this Act does not do that. This Act just happens to be for a future time and this will only be a pension system, because a person will not have to retire until he dies, and then this takes care of it. I believe it should go back to committee.

Mr. KUNKEL. Mr. President, the substance of the argument of my colleague from Westmoreland is simply because we have failed in the past to be fair to judges who have died and have not been able to get back the benfit of the retirement system—because we have been unfair to dead judges is no reason we should not be fair now, to living judges. So, there is no merit to his argument at all.

Mr. EALY. Mr. President, this bill does not say anything about judges. It covers the whole class of State employees. I am merely asking that this bill go back to committee for further study so that the budget officers and those who are administering this fund, and others, may determine how much it is going to cost the State and whether we want to open up this new class of pension.

Mr. WOODWARD. Mr. President, I take exception to the argument of the Senator from Dauphin in comparing humanity and money in this instance. I want to say this, that the two worst sinners against this retirement fund were Judge von Moschzisker and Judge Gawthrop. They nearly broke the fund by their retirement, and so it is no use holding up the judges as if they were a shining mark—they are a shining mark the other way in my opinion.

And the question recurring,

Will the Senate agree to recommit the bill?

The yeas and nays were required by Mr. KUNKEL and Mr. DENT, and were as follows, viz:

YEAS—31

Bartlett,	Ealy,	Letzler,	Sipe,
Cavalcante,	Edmonds,	Mallery,	Snowden,
Chapman,	Eroe,	McGinnis,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Reed,	Wolfenden,
Deitrick,	Homsher,	Ruth,	Woodward
Dent,	James,	Shapiro,	

NAYS—1

Kunkel,

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 774, (House Bill No. 1193), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 775, (House Bill No. 1212), entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or herafter loaned to the said commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 783, (House Bill No. 1074), entitled:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and term of members further defining their powers and duties and terminating the terms of members now in office.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 795, as follows:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and the fixing of tolls and providing for the acquisition of franchises permits ond real and personol property conferring powers upon such Authrity and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Any Authority heretofore or hereafter organized under the provisions of the Municipality Anthorities Act of one thousand nine hundred and thirty-five as amended may contract with any county in an adjoining state or with the appropriate commission of such county to provide for the construction operation and maintenance by such Authority or jointly by such Authority and such county or commission or by such county or commission with the approval of such Authority to the extent provided by such contract of a tunnel which is partly within such county and partly within the municipality by which such Authority shall have been organized if such county or commission shall be authorized and empowered under the laws of such adjoining state to provide for the construction operation and maintenance of such tunnel Such contract may also provide for the financing of such tunnel by the issuance of revenue bonds by such Authority or by such county or commission such bonds to be payable solely from the revenues of such tunnel and for the pledging of the revenues of such tunnel as security for such bonds and for the execution of a trust indenture in accordance with the provisions of the laws of the Commonwealth or state of organization of such Authority county or commission issuing such bonds which trust indenture may among other things express the terms of such pledge and of the pledge of the proceeds of the bonds and may define the rights and remedies of the bondholders and of the trustee So long as any obligation or duties imposed upon such Authority under the terms of such contract remain unfulfilled or remain to be performed the existence of such Authority shall not be terminated or its powers abridged prior to the expiration of the term of its corporate life

Any such Authority and any such county or commission of an adjoining state entering into such contract may jointly exercise in such adjoining state to the extent permitted by the laws thereof and by such contract any and all powers with respect to the construction operation and maintenance of such tunnel conferred upon said county or commission by the laws of such adjoining state and may jointy exercise in said adjoining state any and all powers with respect to the acquisition of franchises permits and other rights and real and personal property conferred upon said county or commission by the laws of such adjoining state and any such county or commission entering into such contract may exercise in the Commonwealth of Pennsylvania but only jointly with such Authority or with the approval of such Authority to the extent provided by such contract and all powers with respect to the construction operation and maintenance of such tunnel and with respect to the acquisition therefor of franchises permits and other rights and real and personal property which are conferred upon such Authority under the laws of the Commonwealth of Pennsylvania provided however that the right of eminent domain may be exercised in the Commonwealth of Pennsylvania only by such Authority

So long as there shall be no default in the performance of any covenant condition agreement or provision contained in such bonds or in the resolution or indenture under which such bonds may be issued tolls for transit through such tunnel and other charges for the use thereof shall be fixed jointly by the Authority and by the county or commission in accordance with the laws of the Commonwealth or state of organization of the Authority county or commission issuing the bonds to finance such tunnel But in the event of any such default and during the continuance thereof the fixing of such tolls and other charges shall be governed by the laws of the Commonwealth or the state of organization of the Authority county or commission issuing such bonds and by the provisions of the resolution or the trust indenture under which such bonds may be issued The Authority county or commission issuing such bonds may pledge such tolls and other charges to the payment of such bonds and tolls and other charges shall at all times be so fixed and adjusted as to provide a sinking fund sufficient to pay such bonds and the interest thereon and to provide an additional fund to pay the cost of maintaining repairing and operating such tunnel and such tolls may be continued until and only until such bonds and any bonds issued to refund the same and the interest thereon and all claims outstanding against such Authority county and commission with respect to such tunnel shall have been paid and thereupon such tunnel and its appurtenances shall vest jointly in the Commonwealth of Pennsylvania and such adjoining state

Any such tunnel and all property acquired or used for the purposes thereof in the Commonwealth of Pennsylvania shall be deemed to be public property used for public purposes and such tunnel and property and the revenues thereof and the bonds of such Authority county or commission issued to finance such tunnel and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

Section 2 Any and all bonds issued pursuant to any contract entered into as authorized by this Act shall be payable solely from the revenues of the tunnel and shall not be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on any such bonds and no such Authority county or commission shall have the power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivision thereof

Section 3 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 796, as follows:

An Act to amend section nine of the Act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws 108) entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwaelth of Pennsylvania under the Delaware River and the issuance of permits therefor" by providing for the assignment of such permits in certain cases and making further provision with respect to the collection of tolls

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 9 of the Act approved the twenty-second day of December one thousand nine hundred and thirty-three (Pamphlet Laws 108) entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River and the issuance of permits therefor" is hereby amended to read as follows

Section 9 Before any construction is started under any permit granted under the terms of this act there shall be filed with the Public [Service] Utility Commission all necessary and proper approvals required under the laws of the State of New Jersey and under the laws of the United States Any permit granted under the terms of this act may be assigned to any Authority organized under the "Municipality Authorities Act of one thousand nine hundred thirty-five" as amended which may have authority under said act as amended to construct and operate the tunnel covered by such permit or jointly to such Authority and any county or the appropriate commission of any county of the state of New Jersey which may have authority under the laws of said State to construct and operate the tunnel covered by such permit and such Authority or such Authority and county or commission to which such permit may be assigned shall thereupon succeed individually or jointly as the case may be to all the rights powers privileges duties and obligations of the assignor under the terms and provisions of such permit and of this act with the same force and effect as though such permit had been issued by the Public Utility Commision directly to such Authority or to such Authority and county or commission as the case may be provided however that the provisions of Sections 7 and 8 of this act shall not apply to such Authority or such Authority and county or commission

The toll fixed charged and collected for transmit through such tunnel shall be continued until and only until the bonds issued to finance said tunnel and any bonds issued to refund the same and the interest thereon and all claims outstanding against such Authority county and commission with respect to said tunnel shall have been paid and thereupon such tunnel and its appurtenances shall vest jointly in the Commonwealth of Pennsylvania and the State of New Jersey

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 816, as follows:

An Act to amend the act approved the sixth day of April one thousand nine hundred and thirty-nine (Pamphlet Laws Act No 4-A) entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board" by increasing the amount of the appropriation and authorizing the Department of Forests and Waters to accept reimbursements from the United States Department of War

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one two and three of the act approved the sixth day of April one thousand nine hundred and thirty-nine (Pamphlet Laws Act No 4-A) entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board" are hereby amended to read as follows

Section 1 The sum of seventy-eight thousand dollars ($78,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the protection of the State Park and State Highway on Presque Isle Peninsula at Erie by the Construction of and repair to steel bulkheads and interlocking piles and the necessary jetties with such materials and design as determined or approved by engineers under the jurisdiction of the Department of Forests and Waters and for a cooperative study between the Department of Forests and Waters of the Commonwealth of Pennsylvania and the Beach Erosion Board of the United States Government of the entire Erosion problem at Presque Isle Peninsula

Section 2 The said sum of seventy-eight thousand dollars ($78,000) appropriated in section one hereof shall be expended for the purposes and in the amount as follows

Sixty-six thousand dollars ($66,000) or so much thereof as may be necessary to defray the cost of constructing a bulkhead along the second Beach of Presque Isle Peninsula

Eight thousand dollars ($8,000) or so much thereof as may be necessary to defray the cost of repair to jetties one two three four and five on Presque Isle Peninsula

Fifteen hundred dollars ($1,500) or so much thereof as may be necessary to defray the cost of backfilling the several bulkheads on said Peninsula

Twenty-five hundred dollars ($2,500) or so much thereof as may be necessary to defray the cost of a cooperative study between the Department of Forests and Waters of the Commonwealth of Pennsylvania and the Federal Beach Erosion Board of the entire Erosion problem at Presque Isle Peninsula

Section 3 The sum of [thirty-three thousand dollars ($33,000)] sixty-six thousand dollars ($66,000) appropriated

herein or so much thereof as may be necessary for the purposes stated in section two hereof shall be expended by the Department of Forests and Waters or may be paid by said department to the Department of War of the United States Government or its proper agency to be expended by said Department of War for the purpose stated in section two hereof

The sums of eight thousand and fifteen hundred dollars ($8,000) ($1,500) or so much of any said funds as is necessary for the purposes stated in section two hereof shall be expended by the Department of Forests and Waters of the Commonwealth of Pennsylvania in the manner and by the agency provided by law for the expenditure of funds for the protection of Presque Isle Peninsula and Erie Harbor

The sum of twenty-five hundred dollars ($2,500) or so much thereof as is necessary for the purpose stated in section two hereof shall be expended by the Department of Forests and Waters of the Commonwealth of Pennsylvania or by such agency thereof as said Department may lawfully designate

Section 2 Said act is hereby amended by adding thereto section four to read as follows

Section 4 The Department of Forests and Waters is hereby authorized to accept on behalf of the Commonwealth of Pennsylvania such sums as may be paid to it by the Department of War at any time hereafter by way of reimbursing the Commonwealth in part for the cost of constructing a bulkhead along the second Beach of Presque Isle Peninsula

Section 3 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 824, as follows:

An Act reappropriating to the Bituminous Coal Study Commission the unexpended balance of money heretofore appropriated thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The unexpended balance of money appropriated for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine or so much thereof as may be necessary is hereby specifically reappropriated to the Bituminous Coal Study Commission created by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" as ratified confirmed and validated by the act approved the nineteenth day of October one thousand nine hundred and thirty-eight (Pamphlet Laws 81) for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-nine to continue the work of the said commission and for the payment of the expenses of the clerical assistants and other appointees of the commission for printing for postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 835, (House Bill No. 732), entitled:

An Act to repeal the act approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules, regulations, and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (P. L. 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 842, as follows:

An Act to repeal section three hundred and two of the act approved the fifth day of December one thousand nine hundred and thirty-six (Pamphlet Laws 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" and setting up a reserve fund in the State Treasury

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and two of the act approved the fifth day of December one thousand nine hundred and thirty-six (Pamphlet Laws 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby repealed

Section 2 All monies accruing from the operation of Section three hundred and two shall be paid into the State Treasury and shall constitute a reserve fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. TALLMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN, by request, read in place and presented to the Chair Senate Bill No. 928, entitled:

An Act regulating the business of theatrical agencies to obtain employes and persons to secure employment, providing for a license, registration, bonding and regulation of certain individuals and entities in such business, conferring certain powers and duties upon the Secretary of Labor and Industry of this Commonwealth and of said department; and prescribing penalties.

Which was committed to the Committee on Labor and Industry.

Mr. EDMONDS. Mr. President, I rise in my place and present two bills, and I would like to say two or three sentences by way of explanation. The first is a bill relating to teachers' tenure and it is sponsored by Senators Mundy, Shapiro, Homsher and myself. The second bill is an amendment to the school code, relating to powers of school directors, which is sponsored by the same four Senators.

These bills are the result of a suggestion that was made last week by the gentleman from Philadelphia, Mr. Shapiro, as a result of which there have been frequent conferences both this week and last. We have agreed that this is the proper way of bringing the subject up, because in place of making a partisan matter out of it, this is really the result of bi-partisan study of the problem.

It is my own strong hope that these two bills may appeal to our colleagues in the Senate and if they do appeal to my colleagues there will be no need for further action on Senate Bill No. 45, which is now resting in the Committee on Education.

I want to take this opportunity to express my own strong personal appreciation of the opportunity to have associated with these men and I want to jointly thank the teachers, the school directors, Doctor Ade, and so many others who have contributed their suggestions and their ideas; and now I ask permission to present these bills to the Chair.

Mr. EDMONDS. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. EDMONDS, MUNDY, SHAPIRO and HOMSHER, read in place and presented to the Chair Senate Bill No. 929, entitled:

An Act to further amend sections one thousand two hundred one, one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties or the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by defining professional employes, substitutes and temporary employes and further regulating the employment, dismissal, suspension, demotion and retirement of such employes.

Which was committed to the Committee on Education.

They also read in their places and presented to the Chair Senate Bill No. 930, entitled:

An Act to further amend section four hundred four of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

Which was committed to the Committee on Education.

REPORT FROM COMMITTEE

Mr. McGINNIS. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS, from the Committee on County Government, reported as amended, Senate Bill No. 274, entitled:

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class, providing for their office, office supplies and clerical assistance and providing for their compensation and the payment of the same by the county.

BILL INTRODUCED

Mr. EROE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE read in place and presented to the Chair Senate Bill No. 931, entitled:

An Act to amend section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the district attorney in counties of the fourth and fifth classes to purchase and maintain police radio equipment.

Which was committed to the Committee on Judiciary General.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, shortly after we convened this afternoon I introduced a resolution seeking to get the use of the Educational Forum for a delegation of teachers and other school people for Monday evening, May 8—I think that is right.—I now understand from the gentleman from Tioga, Mr. Owlett, that the Governor has given permission for the use of the Educational Forum, I would like to have that confirmed by the gentleman from Tioga.

Mr. OWLETT. That is my understanding, Mr. President.

Mr. CAVALCANTE. I, therefore, Mr. President, send my thanks to the Governor and I am satified to permit the resolution to indefinitely lie on the table.

BILL INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 932, entitled:

An Act to amend the act, approved the thirty-first day of March, one thousand nine hundred thirty-nine (Act Number fourteen), entitled "An act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class, and preserving the lien of all taxes on such lands," by providing that no additional advertisement or notice is necessary with respect to any tax sale that is adjourned or readjourned after advertisement.

Which was committed to the Committee on County Government.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of a meeting of Committee on Education.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 933, entitled:

An Act declaring certain restricted state hospitals to be general hospitals and within the limitations of their individual facilities, open for the treatment of patents and cases which other general hospitals may treat.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

REPORTS FROM COMMITTEES

Mr. RUTH. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH. from the Committee on Education reported as amended, Senate Bill No. 929, entitled:

An Act to further amend sections one thousand two hundred one, one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local; or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, substitutes and temporary employes and further regulating the employment, dismissal, suspension, demotion and retirement of such employes.

Mr. RUTH. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH from the Committee on Education reported as committed, Senate Bill No. 930, entitled:

An Act to further amend section four hundred of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. COLEMAN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 140, on page 4 of the Calendar, which just went over in order.

Mr. SHAPIRO. Mr. President, I second the motion.

It was agreed to,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 140, entitled:

An Act affecting cities of the second class A authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of elections and officers of boroughs townships and cities of the second class A and providing for the payment of the indebtedness of the various territorial units involved

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Kunkel,	Sipe,
Cavalcante,	Eroe,	Lanius,	Snowden,
Chapman,	Farrell,	Letzler,	Stevenson,
Coleman,	Gelder,	McGinnis,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Haluska,	Rice,	Wolfenden,
Deitrick,	Homsher,	Ruth,	Woodward,
Ealy,	James,	Shapiro,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 58, entitled:

An Act to amend paragraph seven of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limted extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercse, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring u on the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates: providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

It was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 152, entitled:

An Act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth; establishing the "Pennsylvania Board of Probation and Parole;" conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the Board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors and providing penalties therefor; and for other cognate purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 156, entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred and seven (P. L. 527), entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading. and consideration of Senate Bill No. 274, entitled:

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class, providing for their office supplies and clerical assistance and providing for their compensation and the payment of the same by the county

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 576, (House Bill No. 895), entitled:

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designated the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 585, entitled:

An Act to amend clause three of section seven hundred and two of the act, approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing townships to provide fire hydrants and hose; to pay for and maintain the same by tax levy or from revenues derived from the general road tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 619, (House Bill No. 305), entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 687, entitled:

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class; and preserving the lien of all taxes on such lands.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 702, entitled:

An Act to repeal the act, approved the second day of May, one thousand nine hundred and seven (P. L. 157), entitled "An act requiring all newspapers published in this Commonwealth to print, in a conspicuous place, in every issue, the names of the owners, proprietors, or publishers, and the managing editors of the same; and making a violation of this act a misdemeanor and fixing the penalty therefor."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 782, (House Bill No. 964), entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 792, entitled:

An Act to amend sections three hundred ten and three hundred eleven of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild animals; and amending, revising, consolidating, and changing the law relating thereto," by providing for monthly returns and payments by issuing agents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 794, entitled:

An Act to further amend sections two hundred twenty-three, two hundred twenty-four and two hundred twenty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundaries, lakes and boundary rivers of the Commonwealth," by providing for monthly returns and payments by issuing agents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 929, entitled:

An Act to further amend sections one thousand two hundred one, one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local; or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, substitutes and temporary employes and further regulating the employment, dismissal, suspension, demotion and retirement of such employes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 930, entitled:

An Act to further amend section four hundred four of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Friday, May 5, 1939 at 9:30 o'clock, a. m., E. S. T.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:23 o'clock, p. m., until Friday, May 5, 1939, at 9:30 o'clock, a. m., E. S. T.

HOUSE OF REPRESENTATIVES

THURSDAY, May 4, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Holy, holy, holy Lord God Almighty, we bow our heads and bear our hearts before Thee in holy adoration.

We Thank Thee for the splendid privileges and the glorious opportunities for service. May the divinity in each of us rise to meet every God given trust and enable us to discharge every obligation. Enable us this day to be strong, unselfish, patriotic, and courageous in the defense of all that is right. Let Thy thought burn through our lips, and speak through our conduct, and direct all our counsels and deliberations to the glory and honor of Thy holy name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. G. R. THOMPSON, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 513. (HOUSE BILL No. 1452).

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing and clarifying the provisions of the act relating to the corporate name.

Referred to the Committee on Judiciary General.

SENATE BILL No. 515. (HOUSE BILL No. 1453).

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing, and clarifying certain provisions of the act relating to the corporate name.

Referred to the Committee on Judiciary General.

SENATE BILL No. 674. (HOUSE BILL No. 1454).

An Act constituting a commission to examine the tax laws of the Commonwealth and of other States and countries and to prepare and submit bills to carry into effect its recommendations prescribing the powers and duties of said commission and making an appropriation.

Referred to the Committee on Appropriations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TARR. RESOLUTION No. 75.

In the House of Representatives, May 3, 1939.

The President of the United States has recently designated Brigadier General George S. Marshall, born in Uniontown, Pennsylvania and at present deputy chief of the War Plans Division, as the new Chief of Staff of the United States Army to succeed General Malin Craig whose term of command expires in August of this year.

General Marshall began his long and distinguished military career at Virginia Military Institute from which he was graduated with honors in 1901. He enlisted in the 30th Infantry in 1902, served a year in the ranks in the Philippine Insurrection, and was commissioned a second lieutenant from which rank he has been promoted through the various grades to that of Brigadier General in 1936. He attended the Infantry-Cavalry School at Fort Leavenworth and from 1908-1910 he served as instructor at the Army Staff College. During the World War he was assistant chief of staff of the First Division and after the Armistice, he was selected by General Pershing as aide-de-camp and remained with him until 1924, when he was assigned to the command of the 15th Infantry in China.

After three year's service in the Far East, General Marshall was made instructor at the Army War College. Since that time he has served as assistant commander of the Infantry School, commander of the 8th Infantry, senior instructor to the Illinois National Guard and since 1936, as commanding general of the 5th Brigade.

As a native son of the Keystone State who has added to the standing and prestige of Pennsylvania among the states of the Union and as a man who rose from the ranks to the position of great responsibility to be occupied by him in the Army, he deserves to be congratulated, therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania hereby extends its congratulations to the General on his new appointment, and be it further

Resolved, That the Chief Clerk of the House transmit a copy of this resolution to General Marshall through the War Department, Washington, D. C.

Referred to the Committee on Rules.

By Mr. TROUT. RESOLUTION No. 76.

In the House of Representatives, May 2, 1939.

Whereas, The Pennsylvania Department of Highways in cooperation with the United States Bureau of Public Roads, has been making a State-wide Highway Planning Survey since January, 1936; and

Whereas, The purpose of this Survey, costing more than one million dollars in State and Federal funds, has been to determine accurately the present and future needs of Pennsylvania's highway system; and

Whereas, A resolution, introduced in the House of Representatives on March 10, 1937, failed to produce any information regarding the progress or results of this Survey; and

Whereas, Only information of the detailed type gathered in the course of this Survey can show the manner in which the Commonwealth of Pennsylvania must improve its vast highway network in order to keep pace with the world-wide problem of modernizing roads to meet changing traffic conditions; and

Whereas, The Legislature is now confronted with requests for Motor License Fund appropriations far in excess of the total available in that Fund—requests coming from the Deparment of Highways and from the various municipalities of the Commonwealth; and

Whereas, The so-called "Million Dollar Highways Planning Survey" represents the logical source of authentic information upon which the Legislature can base its current action in allocating Motor License Fund appropriations; and

Whereas, Governor James, in his Budget Message, has emphasized the delicate and critical situation confronting the Motor License Fund because of greatly increased costs of primary, secondary and rural road system maintenance; Therefore Be It Resolved, That the House of Representatives call upon the Department of Highways for a report and summary of the Survey findings to date, so that the Legislature can proceed intelligently in acting upon the various proposals now pending for the appropriation of Motor License Fund revenues for the 1939-41 biennium;

And Be It Further Resolved, That the Department of Highways be urged to make this data available at the earliest possible moment, preferably within the next week, so that the data will be of maximum value to the Legislature.

Referred to the Committee on Highways.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 436.

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

HOUSE BILL No. 437.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

HOUSE BILL No. 733.

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

HOUSE BILL No. 919.

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

With the information that the Senate has passed the same without amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representativs, as follows:

In the House of Representatives, May 3, 1939.

Resolved (if the Senate concur), that House Bill No. 549, Printer's No. 269, entitled "An act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' as amended by increasing clothing allowances and requiring a report by commanding officers," be recalled from the Governor for the purpose of amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 364 AND 365.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 364, Printer's No. 101, entitled "An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto."

House Bill No. 365, Printer's No. 100, entitled "An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto."

ARTHUR H. JAMES.

REPORTS FROM COMMITTEES

Mr. MARR from the Committee on Counties reported as committed, House Bill No. 509, entitled:

An Act to amend article four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," regulating and providing for the keeping and auditing of the accounts of moneys collected by the county treasurer for the various taxing units within the county, and for payment of such moneys to the said taxing units.

Mr. WAGNER from the Committee on Education reported as amended, House Bill No. 703, entitled:

An Act to amend section five hundred thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the publication of certain notices relative to the preparation of budgets in school districts of the first class.

Mr. FULLERTON from the Committee on Dairy-Industries reported as committed, House Bill No. 930, entitled:

An Act to amend section eighteen of the act approved the second day of July, one thousand nine hundred and thirty-five, (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act, and imposing penalties," requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

Mr. ROTHENBERGER from the Committee on Highways reported as committed, House Bill No. 662, entitled:

An Act to amend section one of the act approved the sixth day of May, one thousand nine hundred and twenty-seven, (P. L. 843), entitled "An act authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct, and maintain roads wholly upon the lands of State institutions and State parks, and providing for the payment of the cost thereof," by authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct and maintain roads, bridges and viaducts wholly on State Armory properties and State Military Reservations, and on the grounds of the Soldiers' and Sailors' Home of Erie, Pennsylvania.

Mr. SCHROPE from the Committee on Game reported as committed, House Bill No. 1126, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts; fixing a maximum salary for the executive director of the commission; further revising the provisions of said act relating to license tags, the hunting privileges of certain minors, the hours and seasons open for, and lawful methods of hunting and trapping, the possession and transportation of game, fur-bearing animals and firearms, hunting big game by groups, and certain regulatory powers of the commission; authorizing the establishment of wild life refuge projects by sportsmen's organizations; and changing penalties

Mr. HERFERD M. WOOD from the Committee on Mines and Mining reported as amended, House Bill No. 1221, entitled:

An Act relating to the Anthracite Industry; creating the Pennsylvania Anthracite Commission; establishing its jurisdiction, powers and duties; providing for an Anthracite Producers' Advisory Board; regulating the production and marketing of anthracite within the Commonwealth; assigning production quotas to producers of anthracite; fixing minimum prices for the sale of anthracite by producers; prescribing standards of sizing, purity and grading for anthracite; levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite, and the development of anthracite burning devices and additional uses for anthracite; eliminating unfair discrimination in wage and hour standards in anthracite mining operations; authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite; providing for the licensing of anthracite producers and for the granting, refusal, suspension and revocation of such licenses; providing for appeals to the courts of the Commonwealth from the orders of said Commission; creating a special fund in the State Treasury into which the taxes, fees, fines and penalties arising under the Act are to be paid; appropriating the monies in said fund and making a temporary appropriation to said fund; and providing penalties and remedies for violations of the provisions of the Act and the rules, regulations and orders of the Commission.

Mr. TAYLOR from the Committee on Education reported as committed, House Bill No. 1404, (Senate Bill No. 488) entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for fire protection and to pay therefor out of their appropriations for support and maintenance.

BILL RE-REFERRED

Mr. FRANK S. MOSER returned from the Committee on Counties with the recommendation that it be re-referred to the Committee on Cities—First Class, House Bill No. 1411, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses," by changing the pay of jurors.

The SPEAKER. The bill is now re-referred to the Committee on Cities—First Class.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 436.

An Act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws.

HOUSE BILL No. 437.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

HOUSE BILL No. 733.

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

HOUSE BILL No. 919.

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

The SPEAKER. The Chair requests the gentleman from Bradford, Mr. Gillette, to preside.

MR. GILLETTE IN THE CHAIR

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1254, entitled:

An Act to amend clause (b) of section twenty-three of the act approved the third day of May one thousand nine hundred and thirty three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municialities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political sub-divisions of the State and election officers providing penalties and repealing existing acts" allowing licensees to sell malt or brewed beverages certain hours on Sunday subject to local referendum

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. LYONS. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control, for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1255, entitled:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" allowing licensees to sell liquor and malt or brewed beverages certain hours on Sunday subject to local referendum

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. LYONS. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the

purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1048, entitled:

An Act to further amend clause (a) of section four hundred and seven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferrnig powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the fees for hotel and restaurant liquor licenses in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 526, entitled:

An Act to amend sections four hundred two four hundred three four hundred four four hundred seven four hundred nine four hundred eleven four hundred twelve six hundred two paragraph fourteen and seven hundred one of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three-one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumtion on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand seven hundred sixty-two)

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. LYONS. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1356, entitled:

An Act to amend clause (e) of section six hundred and nine of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended permitting hotel restaurant and club licensees to own land but not the buildings thereon where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 419, entitled:

An Act to further amend the definition of "peace officer" in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" to include members of the General Assembly and other elected State Officers and vesting them with authority of arrest

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 448, entitled:

An Act to amend section eight hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the

use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by authorizing volunteer firemen to use sirens or whistles on vehicles when making emergency fire calls

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1349, entitled:

An Act to amend article two section one thousand thirty-five as amended and sections two thousand four hundred sixty-two thousand seven hundred twenty-two and three thousand one hundred one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the creation of boroughs from townships of the first class upon petition to the court of common pleas and a referendum and prescribing the procedure therefor changing contents of auditors' statement further regulating the use of moneys collected on borough-owned water-works giving school districts power to acquire and maintain property jointly with other school districts boroughs cities or counties for certain purposes extending the jurisdiction within which and the manner fines penalties and costs may be collected and repealing existing law providing for the payment of compensation medical and hospital expenses and regulating sick leave periods of certain policemen and firemen

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 590, entitled:

An Act to further amend sub-section (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the tilting including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting motor vehicles trailers and semi-trailers of certain orphans schools from payment of fees for certificates of title and registration

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 187, entitled:

An Act to amend section five hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owner of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by requiring extra fees for the assignment of special registration plates

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1400 (Senate Bill No. 138), entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 582, entitled:

An Act abolishing the Pennsylvania Securities Commission terminating the terms of its members and transferring its powers and duties to the Department of Banking

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 445, entitled:

An Act to amend section six hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in cerain departments boards and commissions and perscribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by making a change in the time of submission of the State budget

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 583, entitled:

An Act to further amend the act approved the ninth day on April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departmens boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by abolishing or transferring certain departmental administrative boards and commissions changing or adding to the personnel thereof abolishing certain advisory boards and commissions and transferring or eliminating certain powers and duties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 545, entitled:

An Act to amend section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon he Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 455, entitled:

An Act to amend sections one two and five of the act approved the twenty-ninth day of March one thousand eight hundred and ninety-nine (Pamphlet Laws twenty-one) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" by providing for the exmination and issuance of "Registered Public Auditor" certificates to persons qualified to act as auditors of political subdivisions and relating to the use and revocation of such certificates

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 459, entitled:

An Act to amend section five hundred twenty of an act approved the twenty-four day of June one thousand nine hundred thirty-one (Pamphlet Laws twelve hundred six) entitled "An act concerning townships of the first class amending receiving consolidating and changing the law relating thereto" empowering the township commissioners to appoint registered public auditors to act instead of elected auditors or auditors appointed by the Court of Common Pleas and relating to the powers duties compensation audits and reports of appointed auditors

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Bradford, Mr. Gillette.

BILLS ON SECOND READING

The SPEAKER. The following bills on second reading are not on file and will therefore be passed over:

House Bills Nos. 1071, 1437, 1296, 1185, 1150, 138, 382, 1378, 544, 878, 903, 791, and 805.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1215, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and institution district hospitals

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million six hundred eighty

thousand dollars ($2,680,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and institution district hospitals for and during the two years beginning June first one thousand nine hundred thirty-nine and to pay for any deficiency in the appropriation for the care treatment removal and maintenance of the indigent insane prior to June first one thousand nine hundred thirty-nine

No warrant shall be drawn on this appropriation until the directors trustees or managers of such hospitals shall have made on oath or affirmation to the department a monthly or quarterly report as may be required by the Secretary of Welfare setting forth the actual total number of weeks of service rendered to indigent insane patients in such hospitals respectively during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for "care treatment removal and maintenance" which words as used in this act shall be construed to mean medical and surgical treatment nursing food and clothing

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 1, line 1 by striking out at the end of the line the following: "[six hundred eighty]" and inserting in lieu thereof the following: "five hundred forty-five"

Amend section 1, page 1, line 2 by striking out after the word "dollars" and before the word "or" the following: "[($2,680,000)]" and inserting in lieu thereof the following: "($2,545,000)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 It shall be the duty of the directors trustees or managers of such hospitals to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred thirty-nine setting forth the name of each and every indigent insane patient residing in such hospitals respectively on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or institution district from which such patient was admitted

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors trustees or managers of such hospitals shall make an oath or affirmation a report to the Department of Welfare setting forth the name of each indigent insane patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or institution district from which such patient was committed Such report shall also contain the name of each indigent insane patient removed from such hospitals by death discharge or parole together with the identification number of such patient the date of removal and the county or institution district from which such patient was committed

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and institution district hospitals.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1335, as follows:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to The General State Authority for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment of all salaries and organization and general expenses of every description as provided by the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two)

Section 2 Payments from the foregoing appropriation shall be made to the Treasurer of The General State Authority upon requisition by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations, for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1336, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven million ninety-nine thousand seven hundred dollars ($7,099,700) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendred by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations, for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1036, as follows:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

Short Title and Preliminary Provisions

Section 1 Short Title This act shall be known and may be cited as the "Distillery Bonded Warehouse Certificate Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Distillery Bonded Warehouse Certificate" shall mean a certificate receipt contract or other document given upon the storage of whiskey or any other potable distilled spirits except ethyl alcohol in a bonded warehouse and evidencing the ownership of such whiskey or other potable distilled spirits

"Whiskey" shall mean and include any alcoholic distillate from a fermented mash of grain capable of being used for beverage purposes

"Potable distilled spirits" shall mean and include any distillate from grains wine fruits vegetables or molasses except ethyl alcohol capable of being used for beverage purposes

The term "bonded warehouse" shall mean and include all places and warehouses legally established under the provisions of the Acts of Congress and the administrative provisions of the internal revenue laws of the Government of the United States of America for the storage concentration distribution and holding in bond of whiskey and any other potable distilled spirits

"Distillery certificate broker" shall mean and include every person who engages directly or through an agent in selling purchasing exchanging offering for sale or delivery or entering into agreements for the purchase sale or exchange or soliciting subscriptions to or orders for or undertaking to dispose of or dealing in any manner in distillery bonded warehouse certificates

"Agent" shall mean and include every person employed by a distillery certificate broker to sell offer for sale or delivery to purchase exchange or to enter into agreements for the purchase sale or exchange or to solicit subscriptions to or orders for or to undertake to dispose of or to deal in any manner in distillery bonded warehouse certificates

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

The terms "fraud" "fraudulent" and "fraudulent practice" shall include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise or representation or prediction as to the future not made honestly and in good faith or an intentional failure to disclose a material fact the gaining directly or indirectly through the purchase sale or exchange of distillery bonded warehouse certificates of any promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and fraudulent and any scheme device artifice or investment plan to obtain such an unconscionable profit Provided however That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity.

Section 3 Interpretation of the Act This act shall be deemed an exercise of the police power of the Commonwealth and nothing contained in this act shall be construed as permitting the holder or owner of a distillery bonded warehouse certificate as defined in this act to secure possession of the whiskey or other potable distilled spirits named or designated in such certificate except in accordance with the provisions of the laws of this Commonwealth now in effect or hereafter enacted relating to alcohol or alcoholic beverages and the regulations of the Pennsylvania Liquor Control Board adopted and promulugated thereunder

ARTICLE II

Permits

Section 201 Unlawful to Act as a Distillery Certificate Broker or to Buy or Sell Distillery Bonded Warehouse Certificates without a Permit It shall be unlawful for any person except as exempted in Article IV of this act directly or through an agent to sell purchase exchange offer for sale deliver enter into agreements for the purchase sale exchange solicit subscriptions to orders for undertake to dispose of deal in any manner in distillery bonded warehouse certificates without first having obtained a permit to act as a distillery certificate broker as provided in this act

Section 202 Authority to Issue Permits to Persons to act as Distillery Certificate Brokers Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue to any reputable financially responsible person whose plan of business in dealing in distillery bonded warehouse certificates is not deemed by the board to constitute "fraudulent practice" as defined herein a permit to act as distillery certificate broker

Section 203 Application for Distillery Certificate Broker Permit Every applicant for a distillery certificate broker permit shall file a written application with the board outlining his plan of business in dealing in distillery bonded warehouse certificates in such form and containing such other information as the board shall from time to time prescribe which shall be accompanied by a filing fee of Ten Dollars ($10) and the prescribed permit fee If the applicant is a natural person his application must show that he is a citizen of the United States and if a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania The application shall be signed and verified by oath or affirmation of the applicant if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of all the officers thereof All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the signer shall be guilty of a misdemeanor and upon indictment

and conviction shall be subject to penalties provided by this act

Section 204 Issuance of Distillery Certificate Broker Permits Upon receipt of the application and proper fees and upon being satisfied of the truth of the statements in the application and being also satisfied that the applicant's plan of business in dealing in distillery bonded warehouse certificates does not constitute "fraudulent practice" as defined in this act and that the applicant is a person of good repute and financially responsible the board may issue to such applicant a permit authorizing the permittee to sell purchase exchange pledge and deal in distillery bonded warehouse certificates

Section 205 Office or Place of Business to be Maintained Every applicant for a distillery certificate broker permit under this act and every person to whom such a permit is issued shall maintain an office or place of business within the Commonwealth

Section 206 Permit Fee Permits not Assignable or Transferable Display of Permit Term of Permit Every applicant for a distillery certificate broker permit shall before receiving such permit pay to the board an annual permit fee of One Hundred Dollars ($100) Permits issued under this act may not be assigned or transferred and shall be conspicuously displayed at the place of business of the permittee All permits shall be valid only during the year for which issued and shall automatically expire on the thirty-first day of December of each calendar year unless suspended revoked or cancelled prior thereto

Section 207 Records to be Kept Every person holding a permit issued under this act shall keep daily permanent records containing a complete record of all transactions in distillery bonded warehouse certificates within this Commonwealth in such form and manner as the board may from time to time prescribe Such records shall be available for examination by the board's officers at the broker's principal place of business or office in Pennsylvania

Section 208 Renewal of Permits Upon the filing of an application and the payment of the prescribed filing fee and permit fee in the same amount as herein required on original applications for permits the board may renew the permit for the calendar year beginning January first provided such application for renewal is filed and fee paid on or before December fifteenth of the preceding year unless the board shall have given previous notice of objections to the renewal of the permit based upon violation of this act or the board's regulations promulgated thereunder or unless the applicant has by his own act become a person of ill repute or ceases to be financially responsible

Section 209 Permit Hearings Appeals to Court of Common Pleas of Dauphin County from Refusal of the Board to Issue or Renew Permits The board may of its own motion and shall upon written request of any applicant for a distillery certificate broker permit or for renewal thereof whose application for such permit or renewal has been refused fix a time and place for hearing of such application for permit or for renewal thereof notice of which hearing shall be sent by registered mail to the applicant at the address given in his application Such hearing shall be before the board or a member thereof At such hearing the board shall present its reasons for its refusal or withholding a permit or renewal thereof The applicant may appear in person or by counsel cross-examine the witnesses of the board and may present evidence which shall be subject to cross-examination by the board Such hearings shall be stenographically recorded The board shall thereupon grant or refuse the permit or renewal thereof If the board shall refuse such permit or renewal following such hearing notice in writing of such refusal shall be sent by registered mail to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order nd furnish a copy thereof to the applicant Any applicant who has appeared before the board at any hearing as above provided who is aggrieved by the refusal of the board to issue or to renew a distillery certificate broker permit may appeal within twenty days from the date of refusal to the court of common pleas of Dauphin County

Section 210 Procedure of Appeal to Court of Common Pleas Record to be Certified Cost of Preparing Record Appeal to Supreme Court Such appeal to the court of common pleas of Dauphin County shall be upon petition of the applicant against the board officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Upon service of a summons upon the board returnable within ten days from its date the board shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the court of common pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact if any of the board based upon such testimony a copy of all orders made by the board in the proceedings and a copy of the action or decision of the board which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the board by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the board's answer the case before the court of common pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without delay Mere technical irregularities in the procedure of the board shall be disregarded

The case shall be heard upon the record certified to the court by the board Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the board for the taking of further testimony.

From the decision of the court of common pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

Section 211 Revocation and Suspension of Permit Upon learning of any violation of this act or regulations of the board promulgated thereunder or any violation of any laws of this Commonwealth or of the United States of America by the permittee his officers servants agents or employes or upon any other sufficient cause shown the board may cite such permittee to appear before it or a member thereof not less than ten nor more than fifteen days from the date of sending such permittee by registered mail a notice addressed to him at the address set forth in the application for permit to show cause why such permit should not be suspended or revoked When such notice is duly addressed and deposited in the post office it shall be deemed due and sufficient notice Hearings on such citations shall be held in the same manner as provided herein for hearing on applications for permit Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the permit notifying the permittee thereof by registered letter addrssed to the address set forth in the application for permit Any permittee whose permit is revoked shall be ineligible to have a permit under this act until the expiration of three years from the date such permit was revoked In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose permit was suspended or revoked by the board shall feel aggrieved by the action of the board he shall shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals from refusals to grant permits

ARTICLE III

Permittees' Registered Agents

Section 301 Unlawful to Act as Agent or to Employ Agents without Registration It shall be unlawful for a distillery certificate broker to employ any person to act as agent or for any person to act as agent for any dis-

tillery certificate broker in purchasing exchanging offering for sale delivering entering into agreements for the purchase sale exchange soliciting subscriptions to orders for undertaking to dispose of dealing in any manner in distillery bonded warehouse certificates without such person first having been registered as an agent as provided in this act

Section 302 Registered Agents Every person holding a distillery certificate broker permit under this act who desires to employ an agent or agents in the operation of his business under the permit shall make application to the board for registration of such agent or agents Every such permittee's application shall set forth the name of the permittee and the address of his main office or principal place of business in Pennsylvania and the full address where complete records are maintained covering the permittee's operations in Pennsylvania With each such permittee's application there shall be filed an agent's application for each agent to be registered Permittees' applications for agents and agents' applications shall contain such information as the board shall from time to time require and shall be signed and verified by oath or affirmation of the agent Each application shall be accompanied by two unmounted photographs of the agent

Section 303 Registration Fee Every application for the registration of agents filed by a permittee shall be accompanied by a registration fee in the amount of Ten Dollars ($10) for each agent to be registered which shall cover the agent's registration from date of approval until December thirty-first of the year in which approved Registrations may be renewed for a period of one calendar year upon the filing of a new application and payment of the same registration fee as herein provided for original registration together with agent's new applications and photographs of each agent Applications for renewal of registration shall be filed not later than December fifteenth of each year

Section 304 Issuance of Agent's Registrations Upon receipt of the application the proper fees and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good reputation and the applicant seeks a registration as defined in this act the board may register such agent and issue to him an identification card

Section 305 Agents' Registration Hearings Appeals from Refusal of the Board to Issue or Renew Registrations In the event that the board shall refuse to issue or to renew an agent's registration a hearing shall be had and an appeal from the board's order may be taken in the same manner as herein provided in the case of refusal of the board to issue or renew distillery certificate broker permits

Section 306 Revocation and Suspension of Agents' Registrations Upon learning of any violation of this act or regulation of the board promulgated thereunder or any violation of any laws of this Commonwealth or of the United States of America by a registered agent the board may revoke or suspend the agent's registration in the same manner as provided herein for the revocation and suspension of distillery certificate broker permits In the event the agent whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals in the case of suspension or revocation of distillery certificate broker permits

Section 307 Identification Cards Upon approval by the board of the application for registration of an agent there shall be issued to such registered agent an identification card containing the name and address of the distillery certificate broker the name address and physical description of the agent There shall also be affixed to the identification card a photograph of the agent and no identification card shall be valid until signed by both the distillery certificate broker and the agent and countersigned by a representative of the board

Before any agent's registration can be changed from one distillery certificate broker to another the identification card of such agent shall either be returned to the board by the broker under whom he is registered or such broker shall file with the board a notice in writing that he has knowledge of and consents to the employment of such agent by the other broker

When the employment of any agent is terminated the broker shall immediately notify the board and the identification card issued to the agent shall be surrendered to the board

ARTICLE IV

Exemptions

Section 401 Bank and Trust Companies Bank and trust companies duly authorized to do business within this Commonwealth may without a permit required under the provisions of this act accept distillery bonded warehouse certificates as security or collateral for any loan made in the regular conduct of their business and such banks and trust companies may liquidate such security or collateral by sale only to licensed distillers rectifiers importers or distillery certificate brokers

Section 402 Distillers Rectifiers and Importers Duly licensed distillers rectifiers and importers may without a permit required under the provisions of this act deal in distillery bonded warehouse certificates but only with other duly licensed distillers rectifiers importers and with distillery certificate brokers

Section 403 Owners of Distillery Bonded Warehouse Certificates on and after the Effective Date of this Act Persons other than licensed distillers rectifiers importers and distillery certificate brokers holding distillery bonded warehouse certificates on and after the effective date of this act may thereafter dispose of same without a permit required under the provisions of this act but only to or through a distillery certificate broker holding a permit from the board

ARTICLE V

Administration and Enforcement

Section 501 Act to be Administered by Board The administration of the provisions of this act shall be vested in the board It shall be the duty of the board to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and make such investigations as will detect the violations of any provisions thereof In the event it shall discover any violation it shall in addition to revoking any permit or registration of an agent take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof

Section 502 Power of Board to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act Such regulations adoped by the board shall have the same force and effect as if they formed a part of this act

Section 503 Power to Summon Witnesses and to Require Production of Records The board may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to any matter which the board has authority by this act to consider or investigate and for this purpose any member of the board may sign subpoenas and summons administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or summons or of the contumacy of any witness appearing before the board or any member thereof the board or member thereof may invoke the aid of any court of common pleas of this Commonwealth and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence or produce books accounts records papers and correspondence touching the matter in question Any failure to obey such order of court may be punished by such court as a contempt thereof

ARTICLE VI

Fines and Penalties

Section 601 Penalties Any person who shall violate any

of the provisions of this act or who shall engage in any fraud or fraudulent practice as defined herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not less than one Thousand Dollars ($1,000) nor more than Five Thousand Dollars ($5,000) or undergo imprisonment of not less than one year nor more than five years or both at the discretion of the court

ARTICLE VII

Dispositions of Moneys

Section 701 All filing registration and permit fees collected or received under this act shall be paid into the State Treasury through the Department of Revenue into "The State Stores Fund" and shall be available for the purposes for which moneys in such fund are appropriated by law

ARTICLE VIII

Effective Date and Repeal

Section 801 Effective Date This act shall become effective thirty days after its final enactment

Section 802 Repeal All acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 41, as follows:

An Act to further amend section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges "by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highways routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes providing for a limitation of the Commonwealths liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" as last amended by the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 617) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any county or township is responsible for the construction or maintenance of any bridge on a State highway route carrying vehicular traffic over a stream or mill race or over a stream or mill race and the facilities of any public service company or on a continuation of a State highway route through any borough or incorporated town or which is located on a continuation of a State highway route and part of which extends into the municipal limits of a third class city the responsibility of such county or township shall be assumed by the Commonwealth except as hereinafter in this act provided All such bridges shall be taken over by the Department of Highways and shall be built rebuilt repaired [and] maintained and may be lighted by the department at the expense of the Commonwealth This act shall not be construed to relieve any person firm association or corporation from any obligation for the construction or maintenance of any such bridge under any agreement or order of court or under any order of the Public [Service] Utility Commission heretofore or hereafter made

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1022, as follows:

An Act to amend further section five of an act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may in the discretion of the Secretary of Highways construct reconstruct resurface or maintain additional width

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain

streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessmnet shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating without the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred sixty-eight) is hereby further amended to read as follows

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act or in the discretion of the Secretary of Highways between curb lines heretofore or hereafter established but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act And provided further That where any such street is to be improved and the city agrees to bear a portion of the cost of the improvement the abutting property owners may be assessed a proportionate part of the cost of the improvement and benefits as now provided by the laws applicable to the improvements of city streets

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1026, as follows:

An Act to provide that under certain conditions roads highways bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any case where the authorities responsible for the maintenance of a road highway or bridge shall deem it advisable to construct or reconstruct such road highway or bridge and to condemn land therefor to a greater width than now provided by law for the purpose of providing separations of grades of highways or construction of grade separation structures or for the construction of "cloverleaf" connections or in any other manner to provide adequate highways at intersections it shall be lawful for such authority to condemn land of sufficient width for such purposes notwithstanding the provisions of any law fixing the maximum width of roads highways and bridges to the contrary

Section 2 Any damages sustained by the owner or owners of land entered upon for the purposes stated in this act shall be paid in the same manner as provided by law in the construction of roads highways or bridges by such authorities

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hreeby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 650, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An Act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by providing for the election of county supervisors of agriculture and homemaking the election of principals instructors and lecturers for the Public Servie Institute and by further providing for the reimbursement by the Commonwealth of districts of the second third and fourth classes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 of the act approved the first day of May one thousand nine hundred thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid and the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the state" as last amended by Section 2 of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand five hundred forty-eight) is hereby further amended to read as follows

Section 2 The State Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial vocational agricultural vocational [home economics] homemaking and vocational distributive occupational education to assist in the establishment of schools and departments for the aforesaid forms of education and to inspect and approve such schools or departments as are hereinafter provided The State Board for Vocational Education shall make a report annually to the Governor and Legislature describing the condition and progress of vocational industrial vocational argicultural vocational [home economics] homemaking and vocational distributive occupational education during the year and shall also make such recommendations as the State Board may deem advisable

The State Superintendent of Public Instruction shall be the executive officer of the State Board for Vocational Education for the administration of this act Except as hereinafter otherwise provided he as executive officer shall appoint from time to time with the approval of the State Board for Vocational Education such expert assistants other than those already provided for by law as may be necessary in vocational industrial vocational

[home economics] homemaking vocational agricultural or vocational distributive occupational education and all clerical and other agents necessary in carrying out the provisions of this act

In carrying out the provisions of this act the State Board for Vocational Education shall provide for State regional and county vocational schools or classes with the necessary staffs in accordance with the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Supervisors of Agriculture and Supervisors of Homemaking shall be elected by the State Board for Vocational Education upon the nomination of the county superintendent of schools and approval by the county board of school directors They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Principals instructors and lecturers for the Public Service Institute shall be elected by the State Board for Vocational Education They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Section 2 Section 9 of said act as last amended by Section 7 of the act of the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand five hundred forty-eight) is hereby further amended to read as follows

Section 9 The Commonwealth in order to aid in the maintenance of [the] approved local or joint vocational industrial vocational [home economics] homemaking vocational agricultural and vocational distributive occupational schools or departments shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining such schools or departments by order on the State Treasurer signed by the Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education from funds appropriated by the Legislature for that purpose or otherwise available and in addition to the amounts paid to such school districts under the provisions of section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended amounts computed in accordance with the following schedules

Districts of the First Class The Commonwealth shall reimburse as hereinafter provided districts of the first class to the extent of twenty-five per centum (25%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

Districts of the Second Third and Fourth Classes The Commonwealth shall reimburse as hereinafter provided districts of the second third and fourth classes which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars ($200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars ($100,000) and not more than two hundred thousand dollars ($200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of [more than fifty thousand dollars ($50,000) and] not more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments [and the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall receive fifty-five per centum (55%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments] Provided That prior to the thirtieth day of June one thousand nine hundred forty-five districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided further That no district shall receive a reimbursement of more than eighty per centum (80%) of any one teacher's salary from either Federal or State funds or from both

[The Commonwealth in order to aid in the maintenance of approved local or joint evening vocational industrial evening vocational home economics evening vocational agricultural and evening distributive occupational schools departments or part-time vocational schools or classes shall pay as provided in this act as amended annually from the treasury to school districts and unions of school districts maintaining such evening schools or departments in the several classes of districts an amount equal to two-thirds the sum which was expended for salaries of part-time and evening school teachers and supervisors during the previous school year by such a school district or unions of districts for approved instruction in practical and related technical subjects]

Whenever two or more school districts unite by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall as provided in this act pay annually from the treasury to such unions of school districts the sum of five hundred dollars ($500) so long as such joint agreement is in effect

[In lieu of the foregoing provisions the Commonwealth shall if and when sufficient revenue is available therefor from Federal funds allotted to this Commonwealth for vocational education make payments to school districts and unions of school districts as hereinafter in this section provided If such revenues are not sufficient for all of the increases hereinafter provided for increased payments shall first be made in full of the amounts provided for in clause (a) hereof and thereafter the increased payments provided for in each successive clause in its proper order shall be made in full before any increased payments are made under clause subsequent in order]

[(a)] Local or joint evening vocational industrial evening vocational [home economics] homemaking evening vocational agricultural and evening vocational distributive occupational schools department or part-time vocational [schools or] agricultural classes or vocational retraining classes shall be reimbursed annually or as otherwise provided in this act for the full sum which was expended from July one one thousand nine hundred thirty-seven to June thirty one thousand nine hundred and forty-two and thereafter eighty per centum (80%) of the sum which was expended for the salaries of part-time agricultural teachers and evening vocational school

teachers and supervisors during the previous school year by such school district or unions of districts for approved instruction in practical and related technical subjects

[(b)] School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers coordinators supervisors and directors in the conduct of approved vocational schools departments and classes annually from the treasury to school districts and unions of school districts eighty per centum (80%) of the sum expended for approved travel

[(c) Districts of the fourth class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical and related technical and academic subjects in part-time co-operative schools or departments and in addition thereto districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided however that no district shall receive reimbursement of more than eighty per centum (80%) of any one teacher's salary out of either Federal or State funds or both

(d) Whenever two or more school districts have heretofore united or shall hereafter unite by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall pay annually from the treasury to each of the school districts so uniting the sum of two hundred fifty dollars ($250) so long as such joint agreement is in effect

(e) Districts of the third class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

(f) Districts of the second class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

(g) Districts of the first class shall be reimbursed for thirty-five per centum (35%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments]

Section 3 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 158, as follows:

An Act to further amend section ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distributor and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by extending the purposes for which counties may use moneys received from said tax

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as amended by section one of the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 412) is hereby amended to read as follows

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said funds are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest and sinking fund charges on bonds issued or used for highways and bridge purposes or on so much of any bonds as have been used for such purposes and all such payments heretofore made are hereby validated The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withhold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the permanent tax collected under the provisions of this act all penalties and interests and all interest earned

on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of one cent per gallon or fractional part thereof collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes is hereby appropriated and all such tax paid into the State Treasury on and after June first one thousand nine hundred thirty-six shall be credited to the General Fund

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1149, as follows:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the twenty-third day of April one thousand nine hundred and thirty-five (Pamphlet Laws forty-nine) is hereby further amended to read as follows

Exemption from Execution

Section 17 The right of a person to a member's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accrued or accruing to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and exempt from levy and sale garnishment attachment or any other process whatsoever except as hereafter otherwise provided in this section and shall be unassignable except as in this act specifically otherwise provided and with the further exception that the assignment of any or all such rights as security for a loan not in excess of three hundred dollars ($300) the interest on which loan shall not exceed six per centum per annum discounted by a person to a credit union now or hereafter organized and incorporated under the laws of this Commonwealth the membership of which credit union is limited solely to officers and employes of the Commonwealth of Pennsylvania shall be valid In any case where a member of a credit union whose membership is limited solely to officers and employes of the Commonwealth has assigned any or all such rights in the Retirement Fund not exceeding however three hundred dollars ($300) for a loan from such a credit union and whose note to such a credit union or payments on account thereof is in default and payable for a period of ninety days or more then in such a case the officers of such a credit union shall certify to the State Employes' Retirement Board the amount owing on such note After the receipt by the board of such certification from the credit union the board shall make payment to the credit union from said member's savings account the amount so certified After such payment out of the member's savings account the repayment of such amount into the member's savings account may be spread over a period of time by having such regular payroll deductions of such member increased by not less than the regular payroll deduction said deduction increase shall be credited to the repayment of the amount paid to such credit union and shall be continued until the amount thereof shall be repaid in full unless said member is retired or leaves the service of the Commonwealth under the provisions of this act before such amount has been liquidated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 223, as follows:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as last amended by the acts approved the thirteenth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 45) and the seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 601) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourteenth day of June known as Flag Day the fourth day of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday during July and August and the first Saturday in Sep-

tember and all other Saturdays after twelve o'clock noon until twelve o'clock midnight each of which Saturdays during July and August and the first Saturday of September is hereby designated a [half] full holiday and each of the remaining Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer or other religious observance and in the event of a financial crisis in the State or Nation any day or days appointed by the Governor of the State or the President of the United States as a bank holiday shall for all purposes whatever as regards the presenting for payment or acceptance and as regards the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any full or half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday or if such Saturday is designated as a full holiday under the provisions of this act the same shall be paid on the day preceding such full holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a full holiday or a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1321, as follows:

An Act cancelling certain debts due the Commonwealth by townships and the agreements under which such debts were created

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Where moneys are due and owing by various townships to the Commonwealth by reason of having in the past received State-aid for construction and maintenance of certain roads in the township all such debts are hereby cancelled in cases where the debts were created for State-aid on any road or roads which have since been taken over by the Commonwealth and are now State highways or portions of State highways and all agreements between the Commonwelath and the townships under which such debts were created are hereby cancelled and shall no longer be of any force or effect

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1225, as follows:

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decendents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estates as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits threupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estate to decendents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the

estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges of appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by section one of the act approved the twelfth day of May one thousand nine hundred thirty-one (Pamphlet Laws 116) is hereby further amended to read as follows

(f) When any decedent shall leave to survive him a widow or children and an estate not exceeding in value five hundred dollars it shall be lawful for such widow or for such children by any next friend or guardian if to said children the right belongs to petition the orphans' court of the proper county for an exemption of said amount which the court may allow and set aside without notice or appraisement whether or not letters have been issued or a will probated or the court may appoint two appraisers whether or not letters have been issued or a will probated and who shall appraise and set aside any property of said decedent selected by such widow or by such next friend or guardian in the same manner and with the same effect as if letters testamentary or of administration had issued and the appraisers been selected in the usual way Such appraisers shall be sworn or affirmed and shall receive for their services such compensation as shall be allowed by said court

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1431, (Senate Bill No. 661), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1432, (Senate Bill No. 662), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 554, as follows:

An Act validating certain municipal claims of cities and boroughs incorporated towns and townships where not filed within the time specified by law and validating amicable writs of scire facias to revive municipal claims entered by such political subdivisions where more than five years have elapsed since original claims were filed or a prior revival thereof made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any city borough incorporated town or township has heretofore failed to file in the office of the prothonotary of the county any municipal claims assessed on any property within six months after the completion of the improvement as required by law whereby the lien of such claims was wholly lost such claims shall be and the same are hereby ratified confirmed declared valid and to be a lien on such property together with all charges expenses and fees added thereto for failure to pay promptly if such claims shall be duly entered and filed in the office of the prothonotary in the manner provided by law for the filing of municipal claims at any time within six months after the effective date of this act or whenever any city borough incorporated town or township has heretofore filed in the office of the prothonotary of the proper county an amicable writ of scire facias to revive any municipal claim and such writ of scire facias shall not have been filed within the period of five years from the time the original claim was filed or within five years after any prior revival of such claim then in any such case such action in filing such amicable writ of scire facias is hereby ratified confirmed and made valid notwithstanding that the same was not filed within the time required by law and that the lien of such municipal claim was lost and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias was filed in the office of the prothonotary and such lien may be proceeded upon further revived and collected as provided by law Provided however That the lien of any such municipal claim shall not reattach against any property transferred to any purchaser during the time the lien of the same was lost And provided further That where any other lien shall have attached to any such property during the period when the lien of the municipal claim was lost such other lien shall have priority over such municipal claim

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 518, Printer's No. 479, was passed over at the request of Mr. TAYLOR.

There being no objection House Bill No. 99, Printer's No. 600, was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 1300, Printer's No. 557, was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1114, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriations for public assistance and for advances to local county boards of assistance providing further for the refund of certain moneys paid into the State Treasury without escheat extending the time limit within which petitions for review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraphs (b) and (c) of section five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth" or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws two hundred eighty-three) are hereby further amended to read as follows

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that a substantial amount of the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appropriation or appropriations made for the purpose or credit the account of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that a substantial amount of the tax or bonus exclusive of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

Section 2 Section five hundred four of the said act is hereby amended to read as follows

Section 504 Refund of Money Subject to Escheat Paid Into the State Treasury Appeal. The owner of any moneys which shall have been paid into the State Treasury by order of court, entered upon petition of the Attorney General alleging that such moneys were subject to escheat, or the legal representatives of such owner, may at any time apply to the Board of Finance and Revenue for a refund of the same, and, upon his making proof of his ownership or right of possession to the satisfaction of the board, such moneys shall be paid him, on the requisition of the board, and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury appropriated for the purpose, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof, and any moneys escheatable under the provisions of any act of Assembly, which have been heretofore voluntarily paid into the State Treasury, or which may be hereafter so paid, shall be likewise refunded in the same manner in which moneys so paid pursuant to an order of court are refunded under the provisions of this act. Any corporation or association, its successors or assigns, which shall have transmitted or delivered any shares or certificates of stock or other securities or the proceeds thereof to the State Treasury, or which shall have paid any moneys into the State Treasury, either voluntarily or under the provisions of an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat, may, at any time, apply to the Board of Finance and Revenue for a refund of the same, and, upon making proof to the satisfaction of the board that such moneys or property were legally subject to escheat in any other state or territory of the United States and not legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat, such moneys or property, or the proceeds thereof, shall be paid to such claimant, on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury appropriated for the purpose, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof, or, if moneys so appropriated are inadequate or if no such appropriation has been made, the amount to be refunded, together with interest as aforesaid to the date

of the allowance of the refund shall be entered by the Department of Revenue as a credit to the account of the claimant. Such credit, or any part thereof, shall be assignable to any other person, firm, association, or corporation, and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania. The determination by the board or the court, in the event of an appeal as hereinafter provided, whether such moneys or property were legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat, shall be made irrespective of whether said moneys or property were paid voluntarily or pursuant to an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat.

Any claimant for any such refund may appeal, by petition to the court of common pleas of Dauphin County, from an adverse decision of the Board of Finance and Revenue, which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund, and, if so, the amount thereof. If the court find that he is so entitled, it shall report its findings to the board, and order the making of a refund of the proper amount. Thereupon the refund shall be made in the manner hereinbefore provided, with interest as aforesaid. No such appeal shall be ascertained, however, unless the claimant shall file with his petition an affidavit that all the proof which he proposes to offer in support of his claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim.

Any depository, or trustee, or other fiduciary, or any debtor who or which shall, through mistake or compulsion of law, pay the amount of any unclaimed deposit, trust fund, or debt, subject to escheat under the provisions of any act of the General Assembly, to the depositor or beneficiary thereof, or person to whom the debt is owing, after such amount shall have been paid into the State Treasury, either voluntarily or pursuant to an order of court, may make application for and obtain a refund thereof from the State Treasury in the manner and subject to the conditions hereinbefore in this section provided

Section 3 Section 505 of the said act as amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred thirty) and by the act approved the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws two hundred eighty-three) and in part by the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seventy-five) is hereby further amended to read as follows

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or state supervision and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largely held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one fourth of the total amount of the bond required Provided That when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer or with the Federal Reserve Bank of Philadelphia or Pittsburgh subject to such regulations as may be prescribed by the Board of Finance and Revenue or the State Treasurer or both as the case may be of bonds or notes of the United States or bonds or notes which the United States fully guarantees both as to principal and interest bonds of the Delaware River Joint [Commission] Commissions bonds of the Pennsylvania Turnpike Commission bonds of the General State Authority of Pennsylvania bonds or tax anticipation notes of this Commonwealth or of any municipal subdivision institution district or school district or county thereof to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof Provided That no bonds or other security shall be required of State depositories for State deposits to the extent that such State deposits are insured under the provisions of Section 12 B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market Provided That such agreement is not in conflict with law or any regulation of the Comptroller of the Currency or of the Federal Reserve Board of the United States The said board may fix different rates of interest for active and inactive depositories not in conflict with law or any regulation of the Comptroller of the Currency or of the Federal [Revenue] Reserve Board of the United States and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day on which any change in interest rate shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and [three] thirteen banks or trust companies in any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient

amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located anywhere in the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars Provided however That in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The secretary shall however not vote on any question coming before the board.

Section 4 Section one thousand one hundred three of the said act is hereby amended to read as follows

Section 1103 Petition to Board of Finance and Revenue for Review [(a)] Within [thirty] sixty days after notice by the Department of Revenue or of the Auditor General of the action taken on any petition for a resettlement filed with it the party with whom the settlement was made may by petition request the Board of Finance and Revenue to review such action

Every petition for review filed hereunder shall state specifically the reasons upon which the petitioner relies The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true If the petitioner be a corporation joint-stock association or limited partnership the affidavit must be made by one of the principal officers thereof

The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of the Board of Finance and Revenue to dispose of any such petition within ninety (90) days the action taken upon the petition for resettlement shall be deemed sustained

The Board of Finance and Revenue may sustain the action taken on the petition for resettlement or it may resettle the account upon such basis as it shall deem according to law and equity

Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to all departments involved and to the petitioner

Section 5 Section one thousand five hundred three of the said act is hereby amended to read as follows:

Section 1503 Payments (a) All payments out of the several funds in the State Treasury shall be made by check of the Treasury Department signed by the State Treasurer or someone by him duly authorized or bearing a facsimile of the State Treasurer's signature Except as otherwise provided in paragraph (b) of this section [The] the State Treasurer shall determine the form and method issuing such checks.

(b) All payments out of the several funds in the State Treasury appropriated for public assistance shall be made by check of a form prescribed and furnished by the Treasury Department but filled in as to name of payee and amount by the Department of Public Assistance As soon after the effective date of this act as practicable but not later than sixty (60) days after such date the Department of Public Assistance shall requisition the Treasury Department for supplies of serially numbered blank checks upon which to prepare disbursements for public assistance grants and shall give its receipt to the Treasury Department for such blank checks provided The Department of Public Assistance shall thereupon enter the name and address of the payee and the amount of payment and such other information as shall be necessary after which it shall prepare a requisition on the Auditor General in the total amount of such checks and the Auditor General shall issue his warrant on the Treasury Department in the same total amount Upon receipt of this warrant the Treasury Department shall sign and mail the checks to the payees designated thereon This procedure shall be followed in Harrisburg and at such points outside the City of Harrisburg as the Governor shall determine

(c) All checks shall have imprinted upon their face a statement that they will not be honored unless presented within sixty days from their date but upon the surrender of any such check which shall have become void because of the failure of the holder to present it for payment within sixty days the Treasury Department shall issue a new check to the payee or payees named in such check in the amount thereof.

The Treasury Department may if satisfied that a check has been lost or destroyed and after stopping payment thereof issue a duplicate.

Section 6 Section one thousand five hundred four of the said act as amended by the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seven hundred seventy-six) is hereby further amended to read as follows

Section 1504. Advances Out of Appropriations. Whenever an appropriation shall have been made to any department, board, or commission of the State government, or to the board of trustees or other agency in charge of any semi-State institution, which is intended for expenses of such a nature as to make it impracticable for such department, board, commission, board of trustees. or agency, to file with the Department of the Auditor General itemized receipts or vouchers prior to the payment of such expenses, upon requisition and warrant in the usual way, such department, board, commission, board of trustees, or other agency, may make requisition upon the Auditor General, from time to time, for such sum or sums of the appropriation as may be necessary to meet such expenses, and the Auditor General shall draw his warrant upon the State Treasurer for such sum or sums, to be paid out of the appropriation. The total amount of requisitions for advancements from any appropriation less the total amount of properly itemized receipts or vouchers filed with the Auditor General accounting for such advancements shall never exceed an amount approved by the Governor nor shall it in any case exceed the amount of the bond of the officer or individual having control of the disbursements from the funds advanced.

Requisitions for advances hereunder to any departmental administrative board or commission, must be approved by the department with which such board or commission is connected prior to the presentation thereof to the Auditor General.

Any department, board, commission, board of trustees, or agency, having received an advance hereunder shall,

(1) Whenever required by the Auditor General, file specifically itemized vouchers, in such form as may be prescribed by him, accounting for all money expended out of such advance;

(2) At the end of the appropriation period, return to the State Treasury all unexpended balances of such advance, before any advance shall be made out of any succeeeding appropriation: Provided, That advances to local county boards of assistance under the Public Assistance Law for reasonable emergency funds may be made before unexpended balances of advancements out of any previous appropriation are actually returned by such boards to the State Treasury.

(3) Deposit all moneys advanced, in the name of the Commonwealth, in a State depository, and certify the name thereof to the State Treasurer.

Section 7 At the end of article seven of the said act the following new section is hereby added

Section 730 Confidential Information Any information gained by any administrative department board or commission as a result of any returns investigations hearings or verifications required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes or providing for the collection of the same shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

Section 8 This act shall become effective on the first day of June one thousand nine hundred thirty-nine

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the history of this bill is very amusing. I understand when this bill was introduced, in an effort to clarify the law relative to depositories for state funds, during the time the bill was in Committee incubation it gave sprout to what the Republicans would call "wings," but we Democrats feel that they are nothing but horns, namely, it was transformed into a ripper. They expect to place the duty of writing checks that are issued by the Department of Public Assistance in the hands of the Department of Public Assistance rather in the hands of the official check writing department of the Commonwealth of Pennsylvania, namely, the State Treasurer. There is no other function of the Commonwealth wherein the checks that are issued by the State Treasurer are written by the department that has the warrant for the issuance of those checks. This bill would do otherwise. I cannot but feel that this is a deviation from a long period of policy and expediency. We are going to be confronted with the situation where the Treasurer who has the established personnel, the established machinery, the established equipment, the established check writing paraphernalia, we will forego the efficiency that he has instituted in his department, the efficiency that has been instituted in the department after long years of service in writing a great number of checks, and transpose that into the Department of Public Assistance where new paraphernalia, new check writing material, new machines and new efficiency must be developed in order to meet the exigencies. Further it is going to result in delay because it will be necessary for checks to be sent to the treasurer, go back again and then come back again to the treasury with the result that relief recipients will be delayed in the receipt of their checks.

I feel that this is a very foolish enactment and would ask e membership of the House not to vote for its passage.

Mr. WOODSIDE. Mr. Speaker and members of the House, this bill provides among other things that the checks that are paid to recipients of relief shall be written by the Department of Public Assitance instead of the Treasury Department, and this is the reason: The Department of Public Assistance has plates made up with the names and addresses of the people who receive relief. They must run those off and send the names and addresses over to the Treasury Department and they in turn must run them off and send out the checks which is a duplication of work. It is estimated that this will result in a saving to the Commonwealth of between eighty thousand and one hundred thousand dollars a year at least. Therefore, this bill should be adopted.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Ackermann,	Fisher,	Lee,	Serrill,
Alspach,	Fiss,	Leisey,	Shearer,
Atkins,	Fleming,	Leydic,	Simons,
Auker,	Foor,	Lichtenwalter,	Sloan,
Bennett,	Freed,	Lyons,	Snyder,
Boorse,	Fullerton,	Madden,	Stambaugh,
Boose,	Gates,	Marr,	Stewart,
Bower,	Gillan,	Matthews,	Stockham,
Boyd,	Gillette,	McClester,	Sweeney,
Bretherick	Goll,	McGarrity,	Tahl,
Bronson,	Habbyshaw,	McKinney,	Taylor,
Brown, S. W.,	Haines,	McNally,	Thistle,
Brunner,	Hall,	McVay,	Thompson, G. R.,
Cadwalader,	Hamilton,	Montgomery,	Tiemann,
Calvin,	Harbeson,	Moser, F. S.,	Trout,
Carpenter,	Haudenshield,	Moser, J. L.,	VanAllsburg,
Christler,	Henry,	Muir,	Voorhees,
Clark,	Hewitt,	O'Dare,	Wagner,
Clearwater,	Hocke,	Peacock,	Watkins,
Cook,	Hoffman, J. N.,	Peale,	Webster,
Cooper,	Hoyt,	Reagan,	Wilkinson,
Cordier,	Huntley,	Reese, D. P.,	Wilson,
Cortese,	Imbrie,	Rhodes	Winner,
Curran,	James,	Riley,	Wood, H. M.,
Dalrymple,	Johnston,	Robertson,	Wood, L. H.,
Dick,	Jones,	Rose,	Wood, N.,
Dix,	Kane,	Roseberry,	Woodside,
Donahue,	Kline,	Royer,	Yeakel,
Eckels,	Knoble,	Sarge,	Turner,
Ely,	Kowalski,	Schrock,	Speaker.
Ewing,	Krise,	Seif,	

NAYS—57

Andrews,	Fauset,	Malone,	Rosenfeld,
Baker,	Flanagan,	Melchiorre,	Rothenberger,
Balthaser,	Furman,	Mooney,	Scanlon,
Boles,	Hess,	Moran,	Schrope,
Boney,	Hindman,	Munley,	Schwab,
Brancato,	Hoffman, S. K.,	O'Brien,	Skale,
Broad,	Holland,	O'Connor,	Stank,
Brown, H. S.,	Keenan,	O'Keefe,	Tarr,
Burns,	Kenehan,	O'Neill,	Tronzo,
Burris,	Kilroy,	Preston,	Walsh,
Check,	Levy,	Readinger,	Weiss,
Cohen, R. E.,	Long,	Reese, R. E.,	Welsh, E. B.,
Corrigan,	Lovett,	Rider,	Welsh, M. J.,
Downey,	Malloy,	Rooney,	Westrick,
Falkenstein,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1112, entitled:

An Act authorizing the council of cities of the second class A to fix the salaries of members of the fire department and establishing minimum salaries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Alspach,	Falkenstein,	Long,	Scanlon,
Andrews,	Fauset,	Lovett,	Schrock,
Atkins,	Fisher,	Lyons,	Schrope,
Auker,	Fiss,	Madden,	Schwab,
Baker,	Flanagan,	Malloy,	Seif,
Balliet,	Fleming,	Malone,	Serrill,
Balthaser,	Foor,	Marr,	Shaw,
Bardes,	Freed,	Matthews,	Shearer,
Bennett,	Fullerton,	McClester,	Simons,
Bohn,	Furman,	McGarrity,	Skale,
Boies,	Gates,	McKinney,	Sloan,
Boney,	Gillan,	McLane,	Snyder,
Boorse,	Gillette,	McNally,	Stambaugh,
Boose,	Goll,	McVay,	Stank,
Bower,	Gorski,	Melchiorre,	Stewart,
Boyd,	Habbyshaw,	Mihm,	Stockham,
Brancato,	Haines	Montgomery,	Sweeney,
Bretherick,	Hall,	Mooney,	Tahl,
Broad,	Hamilton,	Moran,	Tarr,
Bronson,	Harbeson,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harkins,	Moser, J. L.,	Thistle,
Brown, S. W.,	Haudenshield,	Muir,	Thompson, G.R.,
Brunner,	Henry,	Munley,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J N.,	Peacock,	Voorhees,
Chock,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels	Levy,	Royer,	Speaker.
Ely,	Leydic,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1232, as follows:

An Act regulating the appointment promotion suspension reduction and reinstatement of employes (except superintendent of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons in cities of the second class defining the powers and duties of civil service commissions for such purpose in said cities and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All positions in the bureau of police in each city of the second class (except superintendent and assistant superintendent) officer in charge of such bureau of police under the director of the department by whatever title his position may be designated as detective signal operators assistant signal operators police telephone operators police radio operators assistant police radio operators police women and police matrons in bureaus of police in each of said cities shall be in the competitive class of the civil service of said city

Section 2 The civil service commissions in cities of the second class shall not have the power to change any rule or regulation which shall have been established and which is in force and effect on the date of the approval of this act insofar as the same shall apply to the positions provided in this act to be in the competitive class nor shall any such commission have the power to waive any such rule or regulation in any specific case or cases

Section 3 Each applicant for original appointment to a position in the competitive class in any bureau of police in any city of the second class or to the position of detective signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons in any such city shall undergo a physical examination which shall be conducted by a commission composed of doctors of medicine appointed for that purpose by the mayor Said commission shall certify to the civil service commission that the applicant is free from bodily or mental defects deformities or diseases that might incapacitate him from the performance of the duties of the position he is seeking before such applicant shall be permitted to take any further examination No application for such appointment shall be received from any person who is under twenty-one years of age or over thirty-five years of age at the date of his application Nor shall any such application be received from any person who shall not have been a bona fide resident of the city for one year next preceding the date of his application Provided however That any applicant for reinstatement as a member of the bureau of police or as detectives signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons of any such city in which he makes such application who shall have served previously as an employe in such bureau for a period of more than six months and who at the time of his application for reinstatement shall be a resident of such city shall be eligible for such reinstatement even though such applicant shall be over the age of thirty-five years

Section 4 Reinstatement as employes in said bureaus of police as detectives signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons in said bureaus of police may be made without any restriction or restrictions as to time No examination other than a physical examination as directed by the civil service commission shall be required in any case of reinstatement Any person so reinstated shall be the lowest in rank in the bureau in which he shall be reinstated next above the probationers in such bureau

No person employed in a competitive position in any bureau of police or as detective signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons in any city of the second class shall be eligible for promotion from a lower grade to a higher grade until such person shall have completed at least seven years service in said lower grade

Section 5 No employe in the competitive class in any bureau of police in any city of the second class shall be removed discharged suspended for a period exceeding ten days as a penalty or reduced in rank or pay without his written consent except for just cause which shall not be religious or political nor in any event except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor and approved in writing by the mayor which court shall be composed of three persons employed in said bureau of police equal or superior in rank therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother employe or an attorney-at-law to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the director of the department of public safety to perform their duties impartially without fear or favor and the person of highest rank in said court shall have the same authority to issue and

enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth If said persons shall be equal in rank then the persons composing such court shall select one of their number to exercise said authority Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge with pension from the service of the employe concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision shall authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any employee charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than ten days after the charge has been made

Section 6 The members of such court of inquiry or trial shall be selected as follows namely the director of the department of public safety in the presence of the employe charged and his brother officer or attorney-at-law acting as his counsel as aforesaid cause the names of at least twenty-five employees of the bureau of police who hold a position in the competitive class equal or superior in rank to the employee under charges to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box or other receptacle properly adapted for the drawing therefrom of names by law as hereinafter provided Said twenty-five names so deposited shall be provided as follows the director of the department of public safety shall supply twelve thereof and the employe so charged shall supply thirteen thereof When said name shall have been so deposited in said box or receptacle the same shall be thoroughly shaken by some disinterested person until said slips of paper shall have been thoroughly mixed and thereupon such disinterested person shall draw therefrom singly and by law seven names and the director of the department of public safety and the person so charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose said court either of trial or inquiry as the case may be Any employe so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen Any employe so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said court of inquiry or trial duly certified by the official reporter

After said decision of said court shall have been duly determined certified in writing to the mayor and approved by the mayor in writing the director of the department of public safety shall before imposing the penalty so determined furnish the person so charged with a written statement of the reasons for his said action and shall afford the person so charged a period of at least five days within which to make reply thereto if he so desires In every case of such removal discharge suspension reduction or fine a copy of the statement of the reasons therefor and the written answer thereto of the person so sought to be penalized if any together with a transcript of the proceedings and decision of said trial court shall be furnished forthwith to the civil service commission and entered upon its records If the employe affected shall demand it the civil service commission shall upon his written request therefor grant him a public hearing which hearing shall be held within a period of fifteen days from his said request At such hearing the burden of proof shall be upon the removing officer to justify his action If the civil service commission shall fail to sustain the action of the removing officer the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission which record shall be sealed and not be available for public inspection unless an appeal be taken by the employe from the action of the commission Any employe so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said civil service commission duly certified by the official reporter If the civil service commission shall sustain the action of the removing officer the person removed shall have the right to appeal to the court of common pleas of the county which appeal shall be taken within ninety days from the entry by the civil service commission of its final order When such appeal is so taken the civil service commission shall not later than ten days notice of such appeal shall have been served upon it by the employe appealing make and certifying to the court of common pleas a complete record including the written charges the employe's answer thereto if any the testimony taken before the commission and all other papers and documents in its files in connection with said appeal The court of common pleas shall have the power to inspect said record and if it shall find the same to be incomplete or insufficient in any matter to order and direct the civil service commission to supply such defect The court of common pleas shall proceed to hear said appeal upon the record so certified and no additional evidence shall be introduced The court of common pleas shall have the power to affirm or reverse the order of the civil service commission or in its discretion to modify the same Any employe so charged who shall be dissatisfied with the decision of the court of common pleas shall have the right to appeal to the Supreme Court of Pennsylvania Neither the city the removing officer nor any person other than the employe so charged shall have any right to appeal either to the court of common pleas or to the Supreme Court of Pennsylvania The power to suspend shall in no event be for minor or petty offenses or for political or religious reasons

Section 7 If for reasons of economy lack of funds abolition of position or positions or for any other reason it becomes necessary for any city of the second class to reduce the number of employes of its bureau of police or detectives signal operators assistant signal operators police telephone operators radio operators and assistant radio operators police women and police matrons then the city shall follow the following procedure

First If there are any employes in its bureau of police or detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons eligible for retirement under the terms of any pension fund then such reduction in number shall be made by retirement on pension of all the oldest in age and service

Second If the number of employes in its bureau of police or detectives signal operators assistant signal operators telephone operators radio operators and assistant radio operators police women and police matrons eligible for retirement under the pension fund of said city if any is insufficient to effect the reduction in number desired by said city or if there is no eligible person for retirement or if no pension fund exists in said city then the reduction shall be effected by suspending the last man or men including probationers that have been appointed Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed all recent appointees until such reduction shall have been accomplished Whenever the number of such employees in the bureau of police or detectives signal operators assistant signal operators telephone operators radio operators and assistant radio operators police women and police matrons shall again be increased in numbers or if any vacancies occur the employes suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed

Section 8 If any person in the employ of a city of the second class as a policeman or detective signal operator assistant signal operator police radio operator assistant radio operator and telephone operator police woman and

police matron in such city shall be convicted of crime the proper appointing officer shall not be required to dismiss such employe but shall have the right and power to retain such employe in his said position if in the discretion of such appointing officer facts and circumstances surrounding the conviction of such employe are such is not to require his dismissal

Section 9 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not effect the validity of the remaining provisions of this act It is hereby declared as a Legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 10 It is the purpose of this act to furnish in connection with the act of Assembly approved the twenty-third day of May one thousand nine hundred and seven (Pamphlet Laws 206) entitled "An act to regulate and improve the civil service of cities of the second class in the Commonwealth of Pennsylvania making violations of its provisions to be misdemeanors and providing penalties for violations thereof" a complete and exclusive system for the appointment promotion reduction removal suspension and reinstatement of employes in the competitive class in bureaus of police and detectives signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators in cities of the second class

All other acts and parts of acts general special or local inconsistent herewith are hereby repealed

Section 12 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. O'KEEFE. Mr. Speaker and members of the House, House Bill No. 1234 is a repealing act that was passed in 1937, setting up a trial board in the city of Pittsburgh. May I briefly say that this trial board that we have at the present time was set up after an independent survey was made by the Institute of Public Administration, a research branch of Columbia University, and may I say that they arrived at the decision to set up this present trial board after an investigation of many weeks. I quote from part of their report:

"During the early months of the survey, each Wednesday morning found a group of 30 to 40 police officers in the hallway on the second floor of the City-County Building. From 25 of these a trial board was selected; others came to stand trial for various infractions of the rules and regulations, and still others to prefer the charges and give testimony. Succeeding Wednesdays sometimes found some of the same officers present to answer charges, because infractions were numerous and penalties light. It was entirely possible for an officer to be the accused one week and to sit in judgment of a fellow officer the next. It was a perfect cycle of futility.

"Under this procedure, the director of the department of public safety selected seven names, by lot, from the list of 25 supplied him. The director and the accused were each entitled to challenge two, leaving three officers to comprise the court of trial or inquiry. The officer of highest rank was given authority to issue and enforce process to secure the attendance of and to administer oaths to witnesses. He was invested with the same power enjoyed by any justice of the peace in the Commonwealth.

"It is not difficult to imagine the results of such a trial board procedure. The constant change of personnel on the board defeated any sustained memory of the sitting judges. Selection by lot made it possible for one partner to be on the court trying his working companion. Officers with grudges or grievances tried one another. Sentences were biased, inequitable, and unfair. Mayors followed a precedent of reducing or remitting sentences, usually for political reasons. It was a thoroughly bad system, one that had a seriously demoralizing effect on the members of the department, and one which many of them deplored.

"Investigation of the disciplinary records of the present members of the force produced some striking results. Of those now working for the bureau, over 50 per cent have had from one to sixteen charges of misconduct in varying degrees of severity lodged against them. From September 1935 to December 1936, there were 93 trials involving 102 defendants. Ninety-seven per cent resulted in convictions. It may safely be concluded from this fact that charges were not lightly or frivolously brought and pressed for trial. During this period of 15 months about 15 per cent of the entire force was found guilty of various major and minor derelictions.

"Fifty-nine per cent of all defendants were charged with intoxication either alone or in conjunction with some other offense, yet 75 per cent of all cases received a sentence of only 30 days suspension or less.

"Following are two sample disciplinary records. These were picked at random from a score of the more aggravated cases.

Record of Police Officer "A"

10-11-15	Neglect of duty	$ 5.00 fine
3- 2-17	Disobedience	$ 5.00 fine
6-18-17	Neglect of duty	$10.00 fine
8-27-17	Conduct unbecoming officer	$ 5.00 fine
10-20-19	AWOL	Dismissed (reinstated)
10-18-21	AWOL	$25.00 fine (8-11-21)
7- 9-24	Intoxication	$25.00 fine
2-18-25	AWOL	$25.00 fine
2- 8-28	Neglect of duty	Dismissed (reinstated 3-29-36)
11-26-30	Intoxication	30 days
7-31-31	Intoxication	30 days
12- 7-32	Intoxication	20 days
7-29-36	Intoxication	15 days

"Officer "A" is still a member of the police department despite this record of insubordination and inefficiency. Note that during recent years sentences were less severe as time went on."

After appearing before the trial board on thirteen different occasions on the 13th occasion the penalty was lighter than for his first offense.

"Record of Police Officer "B"

6-17-25	Conduct unbecoming officer	Exonerated
7- 1-25	AWOL	$15.00 fine
8-12-25	Intoxication	$25.00 fine and 30 days
10-17-26	Conduct unbecoming officer	$25.00 fine
11- 2-27	Ignorance of rules	30 days
3-16-32	Intoxication	10 days
5- 2-32	Disregard of rules and orders	30 days
10-26-32	Not properly patrolling post	15 days
1-31-34	Intoxication and conduct unbecoming officer	Dismissed 2-19-34 (the record shows no date of reinstatement)
12- 4-35	Intoxication	15 days
1-22-36	Sleeping on duty	10 days
4- 8-36	Conduct unbecoming officer	$10.00 fine and 30 days

"Officer "B" is still a member of the police department although his record clearly shows him to be a persistent offender."

This is another case where on his twelfth offense the officer received a lighter sentence than for the other eleven offenses.

This same bureau made a survey of the present trial board and has this to say:

"In considering a new trial board procedure, it was apparent that nothing short of statutory revision would accomplish its end. Consequently the advice of the law department was sought and readily received. After considerable study, it was concluded that by reverting back to the old act of 7 March, 1901, with certain amendments the desired results could be obtained. A bill was accordingly introduced in the state legislature, was enacted and became effective in June of this year. "The new procedure provides for a court of not less than three nor more than five persons belonging to the police force who are equal or superior in rank to the accused. Such a court is appointed and sworn by the Director of Public Safety, and at the present writing is composed of three inspectors of police. An inspector of a police district in which the accused works may not sit in at his trial but another is appointed to the court temporarily. "The new court has a desirable permanence and the benefits of an official memory carrying over from previous cases and testimonies. It is functioning smoothly and is achieving a much higher degree of discipline. The decrease in the number of disciplinary cases which has been so apparent in recent months is evidence of its success. Since June 1937 when the amended act became effective, there have been but thirty cases before the court, twenty of which have resulted in the dismissal of the defendant from the police force, and the balance in appropriate sentences. A general bolstering of the morale is noticeable throughout the whole department and a sound disciplinary system is actually an accomplished fact."

Mr. Speaker ladies and gentlemen of the House, I believe the members of this House owe it to the people of the city of Pittsburgh to give them the best police service they can have. The majority of officers under the police force in the city of Pittsburgh are good men and no man who attends to his duty need fear the present act.

I ask the members of the House to allow Pittsburgh to have the same trial board it has which has given such efficient service and has bolstered the morale of the police of the city of Pittsburgh.

Mr. FLEMING. Mr. Speaker and members of the House, I do not wish to infringe on the time of the House any longer than to say that we have made a very careful study of this bill, and we did find some very bad defects in the present set up in the city of Pittsburgh. The bill I am introducing will remedy those mistakes. I believe this is a very fine piece of legislation. For that reason I would ask the members of this House to support the bill and vote for it.

Mr. O'KEEFE. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Fleming.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. Speaker.

Mr. O'KEEFE. Mr. Speaker, may I inquire of the gentleman from Allegheny whether under this bill an inspector of police is allowed to sit on the trial board?

Mr. FLEMING. Yes, Mr. Speaker.

Mr. O'KEEFE. Mr. Speaker, is it not a fact that under this bill only those in the competitive class can sit on the trial board?

Mr. FLEMING. Mr. Speaker, I will have to refer to that section. In answer to Mr. O'Keefe I would say that the inspector would be put in the competitive class.

Mr. O'KEEFE. Mr. Speaker, is it not a matter of record at a public hearing held on a bill similar to this that those testifying in support of this bill stated that there had been a marked decrease in drunkenness since the induction of the present trial board?

Mr. FLEMING. Mr. Speaker, I do not have the record of that public hearing, and I cannot answer.

Mr. O'KEEFE. Mr. Speaker, for the benefit of the members of the House, I may say that during the hearing on this bill the member who appeared in favor of this particular bill told the committee, and may I state for the record:

"Mr. Cooper asked if there was a marked increase or decrease in drunkenness in the last two years, and Mr. O'Toole answered, 'There is a marked decrease in drunkenness since this act has gone into effect.' Men on the force are teetotallers now who were drunkards two years ago."

Mr. FLEMING. Mr. Speaker, I would like to say in answer to Mr. O'Keefe's reading from the record, that Mr. O'Toole who gave that testimony immediately after receiving a copy of the mimeographed statement made of the hearing turned to me and said that the stenographer had evidently made a mistake, and that he had not so answered Mr. Cooper.

Mr. O'KEEFE. Mr. Speaker, I was not so informed.

Mr. FLEMING. Mr. Speaker, I apologize to Mr. O'Keefe for not informing him to that effect.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—128

Ackermann,	Foor,	Leydic,	Schrock,
Atkins,	Freed,	Lichtenwalter,	Seif,
Balliet,	Fullerton,	Lyons,	Serrill,
Bardes,	Gates,	Madden,	Shearer,
Bennett,	Gillan,	Marr,	Simons,
Boorse,	Gillette,	Matthews,	Sloan,
Boose,	Goll,	McClester,	Snyder,
Bower,	Habbyshaw	McGarrity,	Stambaugh,
Boyd,	Haines,	McKinney,	Stewart,
Bretherick,	Hall,	McNally,	Stockham,
Bronson,	Hamilton,	McVay,	Sweeney,
Brown, S. W.,	Harbeson,	Melchiorre,	Tahl,
Brunner,	Haudenshield,	Montgomery,	Taylor
Cadwalader	Henry,	Moser, F. S.,	Thistle,
Calvin,	Hess,	Moser, J. L.,	Thompson, G. R.,
Check,	Hewitt,	Muir,	Tiemann,
Christler,	Hocke,	Munley,	Trout,
Clearwater,	Hoffman, J. N.,	O'Connor,	Van Allsburg,
Cooper,	Holland,	O'Dare,	Voorhees,
Cordier,	Hoyt,	O'Neill,	Wagner,
Cortese,	Huntley,	Peacock,	Watkins,
Curran,	Imbrie,	Peale,	Webster,
Dalrymple,	James,	Reagan,	Weiss,
Dick,	Johnston,	Reese, D. P.,	Wilkinson,
Dix,	Jones,	Reynolds,	Wilson,
Donahue,	Keenan,	Rhodes,	Winner,
Downey,	Kenehan	Riley	Wood, H. M.,
Eckels,	Kline,	Robertson,	Wood, L. H.,
Ely,	Knoble,	Rose,	Wood, N.,
Ewing,	Kowalski,	Roseberry,	Woodside,
Fisher,	Krise,	Royer,	Yeakel,
Fiss,	Lee,	Sarge,	Turner,
Fleming,	Leisey,		Speaker.

NAYS—37

Andrews,	Cohen, H. B.,	Malloy,	Schwab,
Baker,	Corrigan,	Malone,	Stank,
Bohn,	DeNote,	McLane,	Tronzo,
Brancato,	Falkenstein	O'Keefe,	Walsh,
Broad,	Fauset,	Preston,	Welsh, E. B.,
Brown, H. S.,	Furman,	Rider,	Welsh, M. J.,
Burns,	Gorski,	Rooney,	Westrick,
Burris,	Hindman,	Rosenfeld,	Williams,
Carpenter,	Lovett,	Schrope,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1093, entitled:

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with, or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, House Bill 1093 is the first proper change of function that the majority has recommended so far this session. While this possibly might also be construed to be a ripper, nevertheless I believe the provisions of the act and the functions that are transferred from the Auditor General to the Department of Revenue are proper and I would suggest to the membership of the House that they vote for this bill. I would not be surprised that in this instance the Republican majority will follow my suggestion.

Mr. HEWITT. Mr. Speaker, as sponsor of the bill I wish to thank the minority floor leader for his kind consideration of my idea of good legislation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Sarraf,
Atkins,	Fauset,	Long,	Scanlon,
Auker,	Fisher,	Lovett,	Schrock,
Baker,	Fiss,	Lyons,	Schrope,
Balliet,	Flanagan,	Madden,	Schwab,
Balthaser,	Fleming,	Malloy,	Seif,
Bardes,	Foor,	Malone,	Serrill,
Bennett,	Freed,	Marr,	Shaw,
Bohn,	Fullerton,	Matthews,	Shearer,
Boles,	Furman,	McClester,	Simons,
Boney,	Gates,	McGarrity,	Skale,
Boorse,	Gillan,	McKinney,	Sloan,
Boose,	Gillette,	McLane,	Snyder,
Bower,	Goll,	McNally,	Stambaugh,
Boyd,	Gorski,	McVay,	Stank,
Brancato,	Habbyshaw,	Melchiorre,	Stewart,
Bretherick	Haines,	Mihm,	Stockham,
Broad,	Hall,	Montgomery,	Sweeney,
Bronson,	Hamilton,	Mooney,	Tahl,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Tarr,
Brown, S. W.,	Harkins,	Moser, J. L.,	Taylor,
Brunner,	Haudenshield,	Muir,	Thistle,
Burns,	Henry,	Munley	Thompson, G R.
Burris,	Hess,	O'Connor,	Tiemann,
Cadwalader,	Hewitt,	O'Dare,	Tronzo,
Calvin,	Hindman,	O'Keefe,	Trout,
Carpenter,	Hocke,	O'Neill,	VanAllsburg,
Check,	Hoffman, J. N.,	Peacock,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peale,	Voorhees,
Christler,	Holland,	Powers,	Wagner,
Clark,	Hoyt,	Preston,	Walsh,
Clearwater,	Huntley,	Readinger,	Watkins,
Cohen, H. B.,	Imbrie,	Reagan,	Webster,
Cohen, R. E.,	James,	Reese, D. P.,	Weiss,
Cook,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cooper,	Johnston,	Regan,	Welsh, M. J.,
Cordier,	Jones,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,			

NAYS—2

Moran,	Turner,

Speaker.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1388, entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred five (P. L. 351) entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth in criminal proceedings in the various courts of oyer and terminer general jail delivery and quarter sessions if requested to do so by the president judge of the district having jurisdiction thereof providing for the compensation of such attorneys and defining their duties and powers" by making counties liable for the payment of the compensation and expenses of attorneys appointed by the Attorney General

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I do not want the majority record to grow to any tremendous proportions. It seems that having introduced a good bill, they come right back with a bad bill. This bill will provide for the payment of council fees to attorneys selected by the Attorney General when the Attorney General intervenes in a matter, but the bill provides that payment of such council fees shall be made out of the county treasury. It seems very innocuous. In a great many instances it doesn't make an awful lot of difference whether the expenses are paid by the county or whether the expenses are paid by the Commonwealth, but in instances such as the Kelayres murder trial, a situation such as the investigation in Philadelphia, a situation such as the Uniontown trial, will impose upon the treasuries of the local counties a burden that those particular communities are not able to meet. Schuylkill County, during the prosecution of the Kelayres murder trial had a tremendous obligation on its hands, which obligation, under this act, would fall on the shoulders of the taxpayers of Schuylkill County. I cannot see, where the

Attorney General sees fit to intervene, that the expense of counsel should be borne by anyone except the Commonwealth, and where the Attorney General does not see fit to intervene, then the expense should be borne by the county. Under those circumstances I feel that the intervention should guide to the fullest extent the payment of the costs, and the Attorney General once having intervened, the cost of counsel fees should be on the Commonwealth or on the Department of Justice. Under those circumstances, I feel that this bill should be defeated.

Mr. WOODSIDE. Mr. Speaker and members of the House, there are two situations in which the Attorney General intervenes in criminal cases. One is when he does so on his own motion; when he feels that the chief law enforcement officer of the Commonwealth should go into a county or deputy attorney generals to conduct the trial of a case in order to make certain that it will be done fairly. In those situations the expenses and the salary of the deputy attorney general will be paid by the Commonwealth.

The gentleman from York, Mr. Cohen apparently did not read this bill in connection with the act that is amended. This bill is to take care of but one type of situation and that is where the judge of the Court of Quarter Sessions of Oyer and Terminer in a county say to the attorney general: "We want you to appoint a deputy attorney general to conduct a particlar trial in our county." In that case, where the request comes from the county, the deputy attorney general's salary or the salary of the special deputy appointed must be paid by the county. It seems to me that that is a fair proposition. If the state intervenes of its own accord, in that case the salary of a special deputy attorney general must be paid by the Commonwealth, but where the county requests the deputy attorney general or special deputy, in those cases it will be paid by the county. It seems to me that that is a fair proposition and that we should adopt it.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel sure that while the portion of the bill susceptible to reading, without reference to the act that it seeks to amend, does not indicate what the gentleman from Dauphin has stated, nevertheless, I feel sure he has read the original act and undoubtedly knows whereof he speaks. However, the law as it stands now is to the effect that where the attorney general or deputy attorney general goes in, either at the request of the judges or on his own motion, those costs are paid by the Commonwealth. It is very reasonable to believe that the local courts would not ask the Attorney General to come in and intervene in a criminal case, unless the case had some state-wide implication, unless the problem was such that the entire Commonwealth would receive the benefit of the services of the deputy attorney general in actually trying the case.

I feel that to transpose those costs on the county, or to make it possible to transpose those costs on the county where the attorney general intervenes, irrespective of what the reason may be for such intervention, to make the local county pay the expense of counsel fees, is imposing a hardship on the counties which in very many instances, in long trials and long litigations, those particular counties cannot pay. You men who come from the small rural couties, if you are confronted with a very serious situation that would require the intervention of the attorney general, the counsel fees and the costs occurred in that litigation possibly would exceed the entire income of the county from all taxable sources, and I would suggest if you are interested in maintaining a certain definite budget system and in knowing where your particular county is going, the county should not be exposed to the hazards of the payment of expensive counsel fees during litigation such as set forth by the gentleman from Dauphin. I would suggest that this bill be not passed.

Mr. WOODSIDE. Mr. Speaker and members of the House, one other point I might call to the attention of the members of the House, and that is the setting of the fees which would be paid by the county would be left up to the county so that the expense to it would not be any greater than the expense would be if it made its own appointment out of the county.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—124

Ackermann,	Eckels,	Kowalski,	Schrock,
Atkins,	Ely,	Krise,	Seif,
Auker,	Ewing,	Lee,	Serrill,
Balliet,	Fisher,	Leisey,	Simons,
Balthaser,	Fiss,	Leydic,	Sloan,
Bardes,	Fleming,	Lichtenwalter,	Snyder,
Bennett,	Foor,	Lyons,	Sollenberger,
Boorse,	Freed,	Madden,	Stambaugh,
Boose,	Fullerton,	Marr,	Stewart,
Bower,	Gates,	Matthews,	Stockham,
Boyd,	Gillan,	McClester,	Sweeney,
Bretherick,	Gillette,	McGarrity,	Taylor,
Bronson,	Goll,	McKinney,	Terry,
Brown, S. W.,	Habbyshaw,	McNally,	Thistle,
Brunner,	Haines,	McVay,	Thompson, G. R.,
Cadwalader,	Hall,	Montgomery,	Tiemann,
Calvin,	Hamilton,	Moser, F. S.,	Trout,
Carpenter,	Harbeson,	Moser, J. L.,	VanAllsburg,
Check,	Haudenshield,	Muir,	Voorhees,
Christler,	Henry,	O'Dare,	Wagner,
Clark,	Hewitt,	Peacock,	Watkins,
Clearwater,	Hocke,	Peale,	Webster,
Cook,	Hoffman, J. N.,	Reagan,	Wilkinson,
Cooper,	Hoyt,	Reese, D. P.	Wilson,
Cordier,	Huntley,	Rhodes,	Winner,
Cortese,	Imbrie,	Riley,	Wood, H. M.,
Curran,	James,	Robertson,	Wood, L. H.,
Dalrymple,	Johnston,	Rose,	Wood, N.,
Dick,	Jones,	Roseberry,	Woodside,
Dix,	Kline,	Royer,	Yeakel,
Donahue,	Knoble,	Sarge,	Turner, Speaker.

NAYS—51

Baker,	Fauset,	Malone,	Rooney,
Boies,	Furman,	McLane,	Rothenberger,
Brancato,	Gorski,	Melchiorre	Scanlon,
Broad,	Harkins,	Mooney,	Schrope,
Brown, H. S.,	Hess,	Moran,	Schwab,
Burns,	Jirolanio,	Munley,	Shearer,
Chervenak,	Keenan,	O'Connor,	Skale,
Cohen, H. B.,	Kenehan	O'Keefe,	Stank,
Cohen, R. E.,	Kilroy,	O'Neill,	Weiss,
Corrigan,	Levy,	Powers,	Welsh, E. B.,
DeNote,	Long,	Readinger,	Welsh, M. J.,
Downey,	Lovett,	Reese, R. E.	Westrick,
Falkenstein,	Malloy,	Rider,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1256, entitled:

An Act to amend subdivision (b) of article three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for a State association for recorders of deeds and allowing expenses in attending annual meetings

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Ackermann,	Downey,	Lee,	Rothenberger,
Alspach,	Eckels,	Leisey,	Royer,
Andrews,	Ely,	Leydic,	Sarge,
Atkins,	Ewing,	Lichtenwalter,	Sarraf,
Auker,	Falkenstein,	Long,	Scanlon,
Baker,	Fauset,	Lyons,	Schrope,
Balliet,	Fisher,	Madden,	Schwab,
Balthaser,	Fiss,	Malone,	Seif,
Bardes,	Flanagan,	Marr,	Serrill,
Bennett,	Fleming,	Matthews,	Shaw,
Bohn,	Foor,	McClester,	Simons,
Boies,	Freed,	McGarrity,	Skale,
Boney,	Fullerton,	McKinney,	Sloan,
Boorse,	Gates,	McLane,	Snyder,
Boose,	Gillan,	McNally,	Stambaugh,
Bower,	Gillette,	McVay,	Stank,
Boyd,	Goll,	Melchiorre,	Stewart,
Brancato,	Gorski,	Mihm,	Stockham,
Bretherick,	Habbyshaw,	Montgomery,	Sweeney,
Broad,	Haines,	Mooney,	Tahl,
Bronson,	Hall,	Moser, F. S.,	Tarr,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Taylor,
Brown, S. W.,	Harbeson,	Muir,	Thistle,
Brunner,	Harkins,	O'Connor,	Thompson, G.R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Trout,
Cadwalader,	Hewitt,	O'Neill,	VanAllsburg,
Calvin,	Hindman,	Peacock,	Van Belle,
Carpenter,	Hocke,	Peale,	Voorhees,
Check,	Hoffman, J. N.,	Powers,	Walsh,
Christler,	Hoffman, S. K.,	Preston,	Watkins,
Clark,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Westrick,
Cook,	James,	Reese, R. E.,	Wilkinson,
Cooper,	Jirolanio,	Reynolds,	Williams,
Cordier,	Johnston,	Rhodes,	Wilson,
Corrigan,	Jones,	Rider,	Winner,
Cortese,	Keenan,	Riley,	Wood, H. M.,
Curran,	Kenehan,	Robertson,	Wood, L. H.,
Dalrymple,	Kline,	Rooney,	Woodside,
DeNote,	Knoble,	Rose,	Yeakel,
Dick,	Kowalski,	Roseberry,	Turner,
Donahue,	Krise,	Rosenfeld,	Speaker.

NAYS—20

Chervenak,	Holland,	Moran,	Tronzo,
Cohen, H. B.,	Kilroy,	Munley,	Wagner,
Dix,	Levy,	Regan,	Weiss,
Furman,	Lovett,	Schrock,	Welsh, M. J.,
Haudenshield,	Malloy,	Shearer,	Wood, N.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1076, entitled:

An Act to amend the act approved the first day of June one thousand nine hundred and thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" broadening the definition of "labor dispute" further defining the rights of employes further defining and limiting unfair labor practices making further provision for designation and selection of representatives for the purposes of collective bargaining changing the practice before the Pennsylvania Labor Relations Board and limiting its powers in certain cases and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WILLIAMS. Mr. Speaker, I would like the gentleman, Mr. Peale, to explain this bill.

Mr. PEALE. Mr. Speaker, I yield to the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman what particular provision he would like to have explained.

Mr. WILLIAMS. Mr. Speaker, I would like to have section 5, page 4, lines 16 and 17 explained.

Mr. WOODSIDE. Mr. Speaker, that section provides that nobody may interfere with or coerce a laboring man in his right to organize, form or join any labor union or labor organization.

Mr. WILLIAMS. Mr. Speaker, may I inquire of the gentleman from Dauphin whether that would prohibit one man from asking another man to join a labor organization.

Mr. WOODSIDE. No, certainly not, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, would it prohibit a labor organizer from going into any community or mill to organize the workers.

Mr. WOODSIDE. No. Mr. Speaker.

Mr. WILLIAMS. Well, Mr. Speaker, it is then just a question of defining the word "coercion" from any source, is that it.

Mr. WOODSIDE. Mr. Speaker, I would say that the gentleman will have to interpret the word "coercion" as he wishes to apply it.

Mr. WILLIAMS. Mr. Speaker, I would like the gentleman to interpret "coercion."

Mr. WOODSIDE. Mr. Speaker, I think the gentleman will find it at several places in the act. It is its common dictionary meaning. I think the gentleman is acquainted with what the word "coercion" means.

Mr. WILLIAMS. Mr. Speaker, in this particular case I really don't know just what the word "coercion" means, because it may mean a whole lot and it may mean very little.

Mr. WOODSIDE. Mr. Speaker, the word "coercion" means the same thing under this bill as it means any other place it is used.

Mr. WILLIAMS. Mr. Speaker, I would like the gentleman from Dauphin to explain section 5, page 4, lines 24, 25, 26 and 27.

Mr. WOODSIDE. Mr. Speaker, that amendment reads as follows:

> "But it shall not be an unfair labor practice for an employer to express opinions with respect to any matter of interest to employes or the public provided such expressions are not accompanied by acts of discrimination or threats."

In other words, it makes certain that there will be no discrimination or threat against employes by an employer, but at the same time if the employer would like to express an opinion on any matter he has the right to do so. I think that is a good, sound American principle.

Mr. WILLIAMS. Mr. Speaker and members of the House, Section 5, page 4, lines 16 and 17 seem to me to to be very simple on the surface, but it is one of those amendments that was spoken about the other day, it looks simple but it might mean a great deal when put into practice. "Interference or coercion from any sources." We know in the past when labor organizations went into the field and tried to organize, they ran into plenty of obstacles that were set up by the corporation in order that they would be able to define the words and put them into force in such a manner that they would be able to take this particular line and not permit our going in there and organizing those men, by saying we were trying to coerce them. I think it is very vicious because it is depriving a man of his constitutional rights. I think a man has a right to go and organize persons who are in a mill or industry or anything else. I feel that this amendment has been inserted for the purpose of stifling the worker, and labor organizations in this particular Commonwealth.

On the same page,

> "Section 6. To interfere with, restrain or coerce employes in the exercise of the rights guaranteed in this act but it shall not be an unfair labor practice for an employer to express opinions with respect to any matter of interest to employes or the public provided such expressions are not accompanied by acts of discrimination or threats."

Mr. Speaker and members of this House, I know that these very lines are going to stifle the work of organized labor in this Commonwealth. I can state one particular case where the organizers did go and try to organize, and the employes were told in a nice way if they did not belong to a labor organization they would be treated a lot better, with the result that a number of them got a cut in their wages after voting down the labor organization. In this particular place, the Pittsburgh Mercantile Company, which has six company stores in the Monongahela valley.

I wish to say, Mr. Speaker and members of the House, that this amendment is just a smoke screen to protect employers who try to influence their employes not to join labor organizations, so that later on they may be able to take advantage of them. I therefore think that this amendment ought to be voted down.

Mr. ANDREWS. Mr. Speaker and members or the House, this bill if properly designated should be labeled, "A measure for the promotion of jurisdictional labor disputes." If you will turn to page 7 you will note an apparent innocent amendment which reads

> "Provided that when any group of employes shall by majority vote signify its preference in favor of the craft unit the board shall designate such unit as the appropriate unit for such purposes."

Now, what actually does that mean? That means that in the case of an industry which as the result of a majority vote of all the employes, affiliated we will say with the CIO, and the CIO has actually signed a contract with the employer on the lines of the one big union idea, then under the terms of this amendment, particular craft groups in an industry organized on the one union basis can proceed to organize and obtain recognition. What that would mean in the promotion of jurisdictional disputes can be readily recognized. I think this bill should be amended to the effect that after a particular industry, by a majority vote of the employes, has affiliated either with the CIO or the A. F. of L., that thereafter during the life of the contract no other labor organization be recognized as a bargaining unit in that industry. If such limitation were placed in the measure you would not have an amendment designed to promote jurisdictional disputes, but as the amendment reads, you simply turn over every organized plant in the state of Pennsylvania to a series of unending controversies. I suggest to the sponsors of this bill, if they are serious about it, that they pay attention to that particular situation, and limit the period during which craft units can be organized in an industry that is already organized as a result of a majority vote of that industry.

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Dauphin kindly advise us whether or not the interference that is mentioned on page 4 would mean that no picketing would be permitted during a strike?

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean "interference" used in line 16?

Mr. HOLLAND. Just a minute, I lost my place. Line 16, page 4, where it says, "Free from interference or coercion from any source."

BILL PASSED OVER

There being no objection House Bill No. 1076, Printer's No. 463, was passed over at the request of Mr. WOODSIDE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 993, entitled:

An Act relating to sheriff sales of real estate heretofore or hereafter made changing the rule of evidence that the price at which a plaintiff on the list bids in real estate at sheriff sale is conclusive providing a procedure by which the actual value of real estate so purchased by the plaintiff on the list may be established and credited against the judgment or debt to collect which the sheriff sale was had and providing a limitation of time within which such procedure may be invoked.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. MADDEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General, for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 673, as follows:

An Act to amend subsection (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by enlarging the definition of the phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transporation of school children exclusively or transportation of materials in dump trucks

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for

maintenance supervision or control of the motor vehicle so sold [or] (b) any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis or (c) any person or corporation who or which provides or f rnishes transportation of school children exclusively or (d) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of materials ordinarily used or removed in building operations highway construction or maintenance or in any other construction work

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boies,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix	Krise,	Roseberry,	Woodside,
Donahue,	Lee	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1038, as follows:

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania to provide for the establishment of a State Board of Chiropody Examiners in the Department of Public Instruction to define the duties and powers of said board to provide for examining and registering of chiropodists in this State and to provide penalties for the violation of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of state regulation under this act chirpody shall be defined as the diagnosis of foot ailments and the practice of minor surgery upon the feet limited to those structures of the foot superficial to the inner layer of fascie of the foot the palliative and mechanical treatment of deformities and functional disturbances of the feet and the making of models of the foot and toes or any one or more of such activities

Chiropody shall not include the right to treat communicable or constitutional diseases of the bones ligaments or muscles of the feet or any other part of the body or to perform any operation on the bones ligaments muscles or tendons of the feet involving the use of any cutting instrument or the right to use any anesthetic other than local The words "chiropody" and "Podiatory" for the purpose of this act shall have the same meaning and effect

Section 2 All persons now licensed by the Commonwealth of Pennsylvania to practice chiropody or who shall hereafter begin to practice chirpody in the Commonwealth of Pennsylvania shall possess the qualifications required by this act It shall be unlawful for any person to designate himself or his occupation by the use of any words letters or trade diplomas calculated to lead others to believe that he is a chiropodist unless he is duly licensed as provided for in this act All persons licensed under this act shall designate themselves as chiropodists No person granted a license under the provisions of this act shall display or use the title "Doctor" or its synonym without the designation "Chiropodist" "Food Specialist" or "Podiatrist"

Section 3 There is hereby established a State Board of Chiropody Examiners which shall be a departmental administrative board in the Department of Public Instruction and shall be subject to the same supervision regulation and restriction as other professional examining boards within such department

This board shall consist of the Superintendent of Public Instruction ex officio and five members who shall be appointed by the Governor These members shall be selected from among practicing chiropodists of this Commonwealth who have no affiliation in any capacity with any school or college of chiropody Each appointee shall immediately after his appointment be furnished with a certificate thereof by the Secretary of the Commonwealth The term of office of the five members first appointed shall be One for one year two for two years and two for three years The Governor shall designate the term of office of each appointee Upon the expiration of the term of each one of said members as appointed the terms of the successors shall be for three years The outgoing members shall be eligible for reappointment The term of office of each member shall commence on the fifteenth day of the month next following his appointment The board shall select from their number a chairman and a secretary The secretary need not be a member of the board and he shall receive such compensation as shall be determined by the board with the approval of the superintendent of Public Instruction

The pay of the members of the State Board of Chiropody Examiners and the necessary traveling expenses actually incurred in the transaction of their business shall be fixed by the Department of Public Instruction and at no time shall the expenses of the board exceed the income of its receipts

Section 4 The State Board of Chiropody Examiners for the purpose of examining applicants under this act for a license to practice chiropody in this Commonwealth shall hold two meetings each year at such time and place as the board may determine The board shall give thirty days' notice of the time and place of such examinations

in such manner as the board may prescribe The board shall make and adopt rules and regulations in connection with the conduct of such examinations as may in their judgment be necessary to carry out the purpose of this act It shall provide such books blanks and forms as may be necessary in order to conduct such examinations and shall keep and preserve a complete record of all its transactions No license to practice chiropody shall be granted by the board unless at least three of the members of the board shall vote in favor of granting such license All examinations shall be conducted by the board in writing but the board may in its discretion supplement such written examination by oral and clinical examination The examination shall be in the following subjects Chiropody hygiene anatomy physiology pathology bacteriology chemistry therapeutics dermatology shoetherapy and physio-therapy limited in their scope to the treatment of the lower extremities After such examination the board shall without unnecessary delay act upon the same and shall have issued by the Superintendent of Public Instruction a certificate in duplicate to all candidates receiving a minimum standing of seventy-five per centum in each subject Any candidate failing to pass said examination shall within one year be entitled to a re-examination at no additional cost but in no event shall he be entitled to more than one re-examination Should he fail to pass this second examination he shall file a new application before he shall be entitled to another examination The board shall report to the Department of Public Instruction in detail their transactions

Section 5 Every person receiving such certificate shall file one copy thereof at once with the prothonotary of the court of common pleas of the county in which he is practicing and the other copy shall be prominently posted in his office Before he shall practice in any other county of the State he shall file a certified copy of said certificate in the office of the prothonotary of said county It shall be the duty of the prothonotary to record the filing of said certificate in a docket kept for that purpose as part of the records of his office and the number of the book and page therein containing copy of said records shall be kept in an index to be provided for that purpose In all legal proceedings said record shall be prima facia evidence of all matters therein contained The fee for filing said certificate shall be fifty cents to be paid by the person whose certificate is registered

Section 6 All persons now licensed and registered by the State Board of Medical Education and Licensure in the Department of Public Instruction and engaged in the practice of chiropody or who shall hereafter be licensed by the Board of Chiropody Examiners as herein provided shall register with the State Board of Chiropody Examiners on the first day of January one thousand nine hundred and forty and shall thereafter register in like manner on or before the first day of January of each succeeding year Each person so registering with the board shall pay for each annual registration and certificate herein provided for a fee to be fixed by the Department of Public Instruction

Section 7 Each person now licensed and registered by the State Board of Medical Education and Licensure in the Department of Public Instruction to practice chiropody shall be issued a new certificate under this act by the State Board of Chiropody Examiners and upon payment by the applicant of a fee to be fixed by the Department of Public Instruction the said board shall issue to the said applicant a certificate authorizing him to practice chiropody in this State which certificate shall be recorded as hereinbefore required and when so recorded shall confer upon said applicant all the rights and privileges conferred by the certificate issued after examination

Section 8 From and after January first one thousand nine hundred and forty any person not heretofore authorized to practice chiropody in this State and desiring to enter upon said practice shall file with the said board a written application for examination which application must be accompanied by a fee to be fixed by the Department of Public Instruction and also accompanied by satisfactory proof that the applicant is not less than twenty-one years of age of good moral character and a citizen of the United States and has obtained perliminary instruction which is equivalent to four years' high school The fact that such instruction has been received by the applicant shall be evidenced by a certificate satisfactory to the said board Such applicant before presentation for examination must be a graduate of a reputable incorporated school of chiropody acceptable to the board Thereupon the applicant shall be subjected to an examination All applicants presenting themselves for examination beginning January first one thousand nine hundred and forty-one must present satisfactory proof of having completed a four year course of at least eight months in each scholastic year at a college or school of chiropody recognized by the State Board of Chiropody Examiners

Section 9 No person who is not a duly licensed and registered chiropodist shall by any means or in any written or printed circular or on any business card letterhead or sign or otherwise assume the title "Chiropodist" "Podiatrist" "D S C" "G Cp" "M Cp" "Ped G" "Foot Specialist " "Foot Correctionist" "Podopractor" nor any other title name or description implying or calculated to lead to the belief that he is qualified to practice chiropody Any person not having complied with or violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars and in default of payment thereof shall be imprisoned for not less than sixty (60) days nor more than one hundred and eighty (180) days for the first violation Penalty for further violations to be proportionately increased Nothing in this act contained shall be construed to interfere with or affect regularly licensed physicians in the discharge of their professional duties and provided also that nothing herein contained shall be construed so as to prohibit or restrict the sale or fitting of shoes or commercial foot appliances provided however that no such retail merchant shall be permitted to practice chiropody as provided for in this act unless duly licensed to practice chiropody

Section 10 The State Board of Chiropody Examiners may as hereinafter provided revoke by a vote of not less than three of its members any certificate which has been issued and in such case should cause the name of the holder to be stricken from the book of registration by sending a certificate of revocation to the prothonotary of the county in which the name of the said person is registered Such certificate shall be in the form of a certified copy of a resolution of the said board and upon receiving such certificate the prothonotary shall revoke such registration For the revoking of any license any or all of the following shall be sufficient cause

(a) If any person in any affidavit or examination required of an applicant for examination or certification or registrtion under the laws regulating the practice of chiropody shall wilfully make false statements in material regard

(b) If any person shall allow or permit others than himself to practice under a certificate of license issued to him

(c) If any person is convicted of a crime involving moral turpitude

Any person against whom any of the above charges have been made shall be notified of the fact and a copy of the charges shall be sent him by the board and such person shall be given a fair and impartial trial by the board whose decision shall be made by a majority of the members thereof Any person aggrieved by the decision of the said board may appeal from such decision to the court of common pleas of the county in which the applicant is registered which appeal shall be by petition to said court The court may hear the matter de novo and shall have power to either sustain or reverse the action of the board

Section 11 All fees received by the board under the provisions of this act shall on the last day of each month be paid into the general fund of the State Treasury

Section 12 Applicants registered or certified by the examiners of other states whose requirements are equal to those of this State may upon payment of a fee to be

set by the Department of Public Instruction be granted a certificate without examination provided however that the provisions of this section shall be extended only to those states who extend to this State the same privilege It shall be the duty and within the power of the State Board of Chiropody Examiners to refuse to examine applicants from reputable colleges of chiropody of other states who do not extend the same courtesy and privilege to graduates of reputable colleges of chiropody of this State or from colleges of chiropody of lower scholastic standing than this State

Section 13 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 14 This act shall become effective on the first day of January one thousand nine hundred and forty

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Henry, Auker and Jones asked for a vertification of the roll.

The roll was verified and was as follows:

YEAS—67

Atkins,	Gates,	McClester,	Seif,
Bardes,	Gillan,	McGarrity,	Simons,
Boney,	Hamilton,	McKinney,	Skale,
Bower,	Hewitt	McLane,	Stank,
Boyd,	Hoffman, J. N.,	McNally,	Stockham,
Bretherick,	James,	Moser, F. S.,	Thistle,
Burris,	Jones,	Moser, J. L.,	Thompson, G.R.,
Calvin,	Kline,	Muir,	Tiemann,
Clearwater,	Knoble,	Munley,	Tronzo,
Cohen, R. E.,	Lee,	O'Connor,	Wagner,
Cordier,	Leydic,	O'Dare,	Watkins,
Cortese,	Lichtenwalter,	O'Neill,	Welsh, E. B.,
Curran,	Long,	Preston,	Wilkinson,
Falkenstein,	Lyons,	Reese, R. E.,	Wood, H. M.,
Fauset,	Madden,	Rhodes,	Yeakel,
Fisher,	Malloy,	Sarge,	Turner,
Fleming,	Marr,	Schwab,	Speaker.
Freed,			

NAYS—57

Ackermann,	Cook,	Kilroy,	Serrill,
Andrews,	Donahue,	Leisey,	Shearer,
Auker	Ewing,	Levy,	Sloan,
Baker,	Furman,	Montgomery,	Stambaugh,
Bennett,	Habbyshaw,	Moran,	Trout,
Boose,	Haines,	Readinger,	VanAllsburg,
Brown, S. W.,	Hall,	Reese, D. P.,	Webster,
Brunner,	Harbeson,	Rider,	Weiss,
Cadwalader,	Henry,	Robertson,	Welsh, M. J.,
Carpenter,	Hindman,	Rose,	Westrick,
Check,	Hocke,	Roseberry,	Wilson,
Chervenak,	Huntley,	Rothenberger,	Winner,
Clark,	Imbrie,	Schrock,	Wood, L. H.,
Cohen, H. B.,	Kenehan,	Schrope,	Wood, N.,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fails.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1399, (Senate Bill No. 443), entitled:

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contributions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boies,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G.R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILLS PASSED OVER

There being no objection House Bill No. 1392, Senate Bill No. 268, Printer's No. 56, was passed over at the request of Mr. HESS.

There being no objection House Bill No. 670 Senate Bill No. 206, Printer's No. 93; House Bill No. 1393, Senate Bill No. 375, Printer's No. 57; House Bill No. 1030, Print-

er's No. 534; House Bill No. 1031, Printer's No. 490; House Bill No. 1301, Printer's No. 547; House Bill No. 1302, Printer's No. 548; and House Bill No. 1401, Printer's No. 549, were passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1129, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I cannot see the necessity for this act. However, I wish to state that it is quite in line with the policy that we, when we were in the majority, followed relative to the preservation of historical buildings throughout the Commonwealth. Both in the 1935 and 1937 sessions of the legislature considerable sums of money were appropriated to take over the Cloisters at Ephrata in order that they be preserved. It is a unique historical institutions, and a unique indication of the development of that society in the Commonwealth of Pennsylvania.

I feel that this bill should be enacted lest someone misunderstand the attitude of the minority irrespective of the fact that I feel there is ample legislation on the books of the Commonwealth now which would enable the Commonwealth to acquire the Ephrata Cloisters.

Mr. ROYER. Mr. Speaker and members of the House, I want to thank the minority floor leader for his support of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boies,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 321, entitled:

An Act to amend section three of the act, approved the twentieth da of April, one thousand nine hundred and twenty-seven (P. L. 322) entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks and trust companies, and certain partnerships," as amended, by providing that foreign corporations becoming domestic corporations shall be entitled to a credit on the bonus to which it is liable equal to the amount of bonus theretofore paid by such foreign corporation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boies,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,

Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	Van Allsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 832, Printer's No. 508, and House Bill No. 824, Printer's No. 509, were passed over at the request of Mr. THISTLE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1320, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws, nine hundred fifty-four), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip, bonds, certificates, and evidences of indebtedness issued or assumed by such corporations, and requiring certain reports in connection therewith," conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boies,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Rosenberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1310, entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county forms used in criminal proceedings before them

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lyons,	Schrope,
Auker,	Fisher,	Madden,	Schwab,
Baker,	Fiss,	Malloy,	Seif,
Balliet,	Flanagan,	Malone,	Serrill,
Balthaser,	Fleming,	Marr,	Shaw,
Bardes,	Foor,	Matthews,	Shearer,
Bennett,	Freed,	McClester,	Simons,
Bohn,	Fullerton,	McGarrity,	Skale,
Boies,	Furman,	McKinney,	Sloan,
Boney,	Gates,	McLane,	Snyder,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Boyd,	Gorski,	Mihm,	Stockham,
Brancato,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, G. R.,

Brunner,	Haudenshield,	Munley,	Tiemann,
Burns,	Henry,	O'Connor,	Tronzo,
Burris,	Hess,	O'Dare,	Trout,
Cadwalader,	Hewitt,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Walsh,
Christler,	Holland,	Preston,	Watkins,
Clark,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry,	Woodside,
Dix,	Krise,	Rosenfeld,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Downey,	Leisey,	Royer,	Speaker.
Eckels,	Levy,		

NAYS—1

Lovett,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 951, entitled:

An Act to further amend section one, and to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen, (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes;" imposing taxes on additional classes of personal property; excluding from taxation certain classes of personal property heretofore taxed; making such taxes liens; and providing for their entry in the prothonotary's office, and the exoneration of tax collectors in such cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Ballet,	Flanagan,	Malloy,	Seif,
Balthaser	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boles,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS-0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 941, entitled:

An Act to amend section seven of the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board;" eliminating the board's power to fix charges for water condemned or acquired for public water supply purposes; and fixing certain filing fees.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HALL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1384, entitled:

An Act to amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897, 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," redefining "benefit year"; eliminating contractor liability and the definition of "full-time weekly wage"; taking away the right of probationery employes of the department to appeal from dismissal providing for compromises of contributions and interest in certain cases imposing duties on prothonotaries changing the qualifications for and the rate and duration of compensation authorizing certain payments without administration or the appointment of a guardian or committee and extending and further regulating the provisions for appeal

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Ackermann,	Ely,	Leisey,	Sarge,
Alspach,	Ewing,	Leydic,	Sarraf,
Andrews,	Fauset,	Lichtenwalter,	Scanlon,
Atkins,	Fisher,	Lyons,	Schrock,
Auker,	Fiss,	Madden,	Schrope,
Balliet,	Flanagan,	Malone,	Seif,
Balthaser,	Fleming,	Marr,	Serrill,
Bardes,	Foor,	Matthews,	Shaw,
Bennett,	Freed,	McClester,	Shearer,
Bohn,	Fullerton,	McGarrity,	Simons,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McNally,	Snyder,
Boose,	Gillette,	McVay,	Stambaugh,
Bower,	Gorski,	Melchiorre,	Stewart,
Boyd,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Bronson,	Hall,	Mooney,	Tahl,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G.R.,
Burris,	Hess,	O'Dare,	Tiemann,
Cadwalader,	Hewitt,	O'Keefe,	Trout,
Calvin,	Hindman,	O'Neill,	Van Allsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Christler,	Hoffman, J. N.,	Peale,	Voorhees,
Clark,	Hoffman, S. K.,	Powers,	Webster,
Clearwater,	Hoyt,	Preston,	Weiss,
Cohen, R. E.,	Huntley,	Reagan,	Westrick,
Cook,	Imbrie,	Reese, D. P.,	Wilkinson,
Cooper,	James,	Regan,	Wilson,
Cortese,	Jirolanio,	Reynolds,	Winner,
Curran,	Johnston,	Rhodes,	Wood, H. M.,
Dalrymple,	Jones,	Riley	Wood, L. H.,
DeNote,	Keenan,	Robertson,	Wood, N.,
Dick,	Knoble,	Rooney,	Woodside,
Dix,	Kowalski,	Rose,	Yeakel,
Donahue,	Krise,	Roseberry,	Turner,
Downey,	Lee,	Royer,	Speaker.
Eckels,			

NAYS—41

Baker,	Furman,	Malloy,	Skale,
Boies,	Goll,	McLane,	Stank,
Brancato,	Harkins,	Moran,	Tarr,
Broad,	Henry,	Munley,	Tronzo,
Burns,	Holland,	O'Connor,	Wagner,
Check,	Kenehan,	Readinger,	Walsh,
Chervenak,	Kilroy,	Reese, R. E.,	Watkins,
Cohen, H. B.,	Kline,	Rider,	Welsh, E. B.,
Cordier,	Levy,	Rosenfeld,	Welsh, M. J.,
Corrigan,	Long,	Rothenberger,	Williams,
Falkenstein,	Lovett,	Schwab,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 690, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provision for reciprocal arrangements and compacts with agencies of other states and the Federal Government; further defining ineligibility for compensation; authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account; and terminating certain compensation rights hereunder.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Alspach,	Ewing,	Long,	Scanlon,
Andrews,	Falkenstein,	Lovett,	Schrock,
Atkins,	Fauset,	Lyons,	Schrope,
Auker,	Fisher,	Madden,	Schwab,
Baker,	Fiss,	Malloy,	Seif,
Balliet,	Flanagan,	Malone,	Serrill,
Balthaser,	Fleming,	Marr,	Shaw,
Bardes,	Foor,	Matthews,	Shearer,
Bennett,	Freed,	McClester,	Simons,
Bohn,	Fullerton,	McGarrity,	Skale,
Boies,	Furman,	McKinney,	Sloan,
Boney,	Gates,	McLane,	Snyder,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Boyd,	Gorski,	Mihm,	Stockham,
Brancato,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, G.R.,
Brunner,	Haudenshield,	Munley,	Tiemann,
Burns,	Henry,	O'Connor,	Tronzo,
Burris,	Hess,	O'Dare,	Trout,
Cadwalader,	Hewitt,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Walsh,

Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Regan,	Welsh, M. J.,
Cook,	Johnston,	Reynolds,	Westrick,
Cooper,	Jones,	Rhodes,	Wilkinson,
Cordier,	Keenan,	Rider,	Williams,
Cortese,	Kilroy,	Riley,	Wilson,
Curran,	Kline,	Robertson,	Winner,
Dalrymple,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.

NAYS—4

Corrigan,	Holland,	Kenehan,	Reese, R. E.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1062, entitled:

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith including Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8, 1937.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett,	Schrope,
Baker,	Fiss,	Lyons,	Schwab,
Balliet,	Flanagan,	Madden,	Seif,
Balthaser	Fleming,	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simon,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose,	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Minm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Brunner,	Harkins,	Moser, F. S.,	Thompson, G. R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley,	Trout,
Calvin,	Hewitt,	O'Connor,	VanAllsburg,
Carpenter,	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.,	Wilkinson,
Corrigan,	Jones,	Regan,	Williams
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan,	Rhodes,	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose,	Yeakel,
Downey,	Lee,	Roseberry,	Turner,
Eckels,	Leisey,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1203 Printer's No. 535 was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1144, entitled:

An Act to amend the title and Section 3 of the Act approved the 12th day of May 1897 (P. L. 63) entitled: "An act to prevent and punish the loan, gift, sale or distribution of indecent and immoral writings, printings, pictures, photographs, or representations of all matters of an indecent or immoral character, and of all articles, drugs, recipes, et cetera, to prevent conception, or to produce unlawful abortion, or intended or purporting to be used for such purposes, or either of them, and also to prevent the advertisement, exhibition or publication of the same, and to authorize the seizure and destruction of all such matter," by clarifying the provisions of said act further providing for the enforcement thereof, and imposing certain duties upon the District Attorneys.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Ackermann,	Ely,	Lichtenwalter,	Royer,
Alspach,	Ewing,	Long,	Sarge,
Andrews,	Falkenstein,	Lovett,	Sarraf,
Atkins,	Fauset,	Lyons,	Scanlon,
Auker,	Fisher,	Madden,	Schrock,
Baker,	Fiss,	Malloy,	Schrope,
Balliet,	Flanagan,	Malone,	Schwab,
Balthaser,	Fleming,	Marr,	Serrill,
Bardes,	Freed,	Matthews,	Shaw,
Bennett,	Fullerton,	McClester,	Shearer,
Bohn,	Furman,	McGarrity,	Simon,

Boney,	Gates,	McKinney,	Skale,
Boorse,	Gillan,	McLane,	Sloan,
Boose,	Gillette,	McNally,	Snyder,
Bower,	Goll,	McVay,	Stambaugh,
Boyd,	Gorski,	Melchiorre,	Stank,
Brancato,	Habbyshaw,	Mihm,	Stewart,
Bretherick,	Haines,	Montgomery,	Stockham,
Broad,	Hall,	Mooney,	Sweeney,
Bronson,	Hamilton,	Moran,	Tahl,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Tarr,
Brown, S. W.,	Haudenshield,	Moser, J. L.,	Taylor,
Brunner,	Henry,	Muir,	Thistle,
Burns,	Hess,	Munley,	Thompson, G.R.,
Burris,	Hewitt,	O'Connor,	Tiemann,
Cadwalader,	Hindman,	O'Dare,	Trout,
Calvin,	Hocke,	O'Keefe,	VanAllsburg
Check,	Hoffman, J N.,	O'Neill,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peacock,	Voorhees,
Christler	Holland,	Peale,	Wagner,
Clark,	Hoyt,	Powers,	Walsh,
Clearwater,	Huntley,	Preston,	Watkins,
Cohen, H. B.,	Imbrie,	Readinger,	Webster,
Cohen, R. E.,	James,	Reagan,	Weiss,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Keenan,	Reynolds,	Wilkinson,
Cortese,	Kenehan,	Rhodes,	Williams,
Curran,	Kilroy,	Rider,	Wilson,
Dalrymple,	Kline,	Riley,	Winner,
DeNote,	Knoble,	Robertson,	Wood, H. M.,
Dick,	Kowalski,	Rooney,	Wood, L. H.,
Dix,	Krise,	Rose,	Wood, N.,
Donahue,	Lee,	Roseberry,	Woodside,
Downey,	Leisey,	Rosenfeld,	Yeakel,
Eckels,	Leydic,	Rothenberger,	Turner,
			Speaker.

NAYS—5

Boles,	Foor,	Levy,	Tronzo,
Carpenter,	Harkins,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 642, entitled:

An Act to amend the title and section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Ackermann,	Ely,	Leydic,	Sarge,
Alspach,	Ewing,	Lichtenwalter,	Sarraf,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simon,
Boles,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G.R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. TROUT. Mr. Speaker, I move that the time on House Bill No. 1305, Printer's No. 389, entitled:

An Act to amend sections eight, eleven and twenty-five of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries, and prescribing penalties," as amended, providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the nonpayment of judgments.

on page 17 of today's calendar, bills on second reading be extended fourteen calendar days.

The motion was agreed to.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Appropriations, Monday May 8, at 7 p. m. in Room 326B.

Game, Friday, May 5, at 9:30 a. m. in Room 325.

There will be a Public Hearing before the Committe on Mines and Mining on Monday, May 8, at 2 p. m. in House Caucus Room.

The Chair desires to call to the attention of the Chairmen of Committees the meeting on May 8th at 12 o'clock, Standard Time, at the Y. M. C. A.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 7:30 p. m. Is there objection? The Chair hears none and declares a recess until 7:30 p. m.

AFTER RECESS

The House reconvened at 7:30 p. m.
The SPEAKER (Elwood J. Turner) in the Chair.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

SUNDAY FISHING LAW

Petition from citizens of Pennsylvania opposing change in present Sunday Fishing Law.

Referred to the Committee on Law and Order.

LIQUOR

A Resolution from the Pennsylvania Federation of Faternal and Social Organizations opposing House Bill No. 1125 and advocating passage of House Bill No. 815.

A Resolution from the Polish Citizen Club of Duquesne protesting passage of House Bills Nos. 924 and 925, and advocating passage of House Bill No. 706.

Referred to the Committee on Liquor Control.

EDUCATION

Resolutions from The Married Women Teachers' Council of the Philadelphia Public Schools;
Citizens of Pennsylvania;
protesting passage of House Bill 1097.

Referred to the Committee on Education.

PHARMACY

Petitions from Citizens of Pennsylvania advocating passage of House Bills Nos. 727 and 728.

Referred to the Committee on Professional Licensure.

PUBLIC UTILITIES

A Resolution from the Steel Workers Organizing Committee of Pittsburgh advocating passage of House Bill 78.

Referred to the Committee on Public Utilities.

PHILADELPHIA CITY CHARTER

A Resolution from the Germantown Community Council advocating submission of City Charter to popular vote.

Referred to the Committee on Cities—First Class.

HIGHWAY WORKERS

A Resolution from the Social Service Employees Union Local 21, urging the State Highway Department to recognize the State, County and Municipal Workers of America and bargain collectively with their employees.

Referred to the Committee on State Government.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 28.

An Act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 444.

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 546.

An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard and making further provision for the appointment of an Adjutant General

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 480.

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 6, page 6, line 21, by inserting after the word "be" and before the word "Any" the following: "In the event that there should not be fifty employees of the Bureau of Fire holding positions in the competitive class equal or superior in rank to the employee under charges then the names of all such employees equal or superior in rank to the employee under charges shall be so placed in said box and drawn therefrom and said court of trial or inquiry selected in the manner hereinabove described or as nearly in such manner as may be possible in the circumstances."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Ackermann,	Ely,	Lee,	Royer,
Alspach,	Ewing,	Leisey,	Sarge,
Andrews,	Falkenstein,	Levy,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett,	Schrope,
Baker,	Fiss,	Lyons,	Schwab,
Balliet,	Flanagan,	Madden,	Seif,
Balthaser,	Fleming,	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simon,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose,	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Brunner,	Harkins,	Moser, F. S.,	Thompson, G.R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley,	Trout,
Calvin,	Hewitt,	O'Connor,	VanAllsburg,
Carpenter,	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.,	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan,	Rhodes,	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose	Yeakel,
Downey,	Leydic,	Roseberry,	Turner,
Eckels,	Lichtenwalter,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 28.

An Act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health

HOUSE BILL No. 444.

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits.

HOUSE BILL No. 546.

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard and making further provision for the appointment of an Adjutant General

HOUSE BILL No. 480.

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. VAN ALLSBURG from the Committee on Welfare reported as committed, House Bill No. 926, entitled:

An Act to amend clause (a) of section two thousand five hundred and four A, as added to the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties

of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," changing the definition of "employe" in the civil service provisions for the Department of Public Assistance so as to exclude certain employes of local boards.

Mr. CORTESE from the Committee on Cities—First Class reported as committed, House Bill No. 1441 (Senate Bill No. 415), entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the volaton thereof provding revenue to established and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribng the method of fixing the levy of school taxes in such districts.

Mr. WILKINSON from the Committee on Municipal Corporations re-reported as amended, House Bill No. 189, entitled:

An Act providing for and regulating the appointment, promotion, and reduction in rank, and removal of paid members of the bureau of police, bureau of detectives, police women, bureau of electricity in connection with police departments, police telephone operators and their assistants, police radio operators and their assistants, and all other agencies connected with police departments in counties, cities, boroughs, incorporated towns, and townships maintaining a police force; creating a Civil Service Commission in each county, city, borough, incorporated town, and township; defining the powers and duties of such Civil Service Commission; imposing certain duties and expenses on the counties, cities, boroughs, incorporated towns, and townships; imposing penalties and repealing inconsistent laws.

Mr. CLEARWATER from the Committee on Cities—First Class reported as committed, House Bill No. 1440 (Senate Bill No. 414), entitled:

An Act authorizing school districts of the first class to fund floating indebtedness incurred prior to December 31 1939 for current expenses and debt service and to issue and sell bonds for this purpose.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1405 (Senate Bill No. 317), as follows:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section four hundred fifteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as added by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 785) is hereby amended to read as follows

Section 415

(a) Group life insurance is hereby declared to be that form of life insurance covering not less than fifty enployees with or without medical examination written under a policy issued to the employer the premium on which is to be paid by the employer or by the employer and employees jointly and insuring only all of his employees or all of any class or classes thereof determined by conditions pertaining to the employment for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the employer Provided however That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees not less than seventy-five per centum of such employees may be so insured Such group policy may provide that the term "employees" shall include the officers managers and employees of subsidiary or affiliated corporations and the individual proprietors partners and employees of affiliated individuals and firms when the business of such subsidiary or affiliated corporations firms or individuals is controlled by the group policyholder through stock ownership contract or otherwise

Section 2 Clause (b) of said section four hundred fifteen of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 86) is hereby further amended to read as follows

(b) The following forms of life insurance are hereby declared to be group life insurance within the meaning of this act (1) Life insurance covering the members of one or more companies batteries troops battalions divisions or other units of the National Guard or naval militia of any State written under a policy issued to the commanding general of the National Guard or commanding officer of the naval militia as the case may be who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of the unit of the National Guard or naval militia not less than seventy-five per centum of the members of such a unit may be so insured (2) Life insurance covering the members of one or more troops or other units of the State troopers or State police of any State written under a policy issued to the commanding officer of the State troopers or State police who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of a unit of the State troopers or State police not less than seventy-five per centum of the members of such a unit may be so insured [and] (3) Life insurance covering the members of any labor union or organization of police employed by

any municipal county or state authority or any organization or association of State employees or public school teachers or nurses written under a policy issued to such union or organization which shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the union or organization or by the union or organization and its members jointly and insuring its members for the amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the union or organization or the officials of either Provided however That when the premium is to be paid by the union or organization and its members jointly and the benefits are offered to all eligible members not less than seventy-five per centum of such members may be so insured Provided further That when members apply and pay for additional amounts of insurance a small percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations and (4) Life insurance covering only the lives of members of a group of persons for not more than one thousand dollars on any one life numbering not less than one hundred new entrants to the group yearly who became borrowers from one lending institution including subsidiary or affiliated companies under agreement to repay the sum borrowed in instalments or who become purchasers of securities merchandise or other property from one vendor under agreement to repay the sum borrowed or to pay the balance of the price of the securities merchandise or other property purchased in instalments in either event to the extent of their indebtedness to said lending institution or vendor but not to exceed one thousand dollars on any one life written under a policy which may be issued upon the application of and made payable to the lending institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary the premium on such policy to be payable by the borrower lending institution vendor or other creditor

Section 3 Clause (d) of section four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) as added by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 785) is hereby amended to read as follows

Section 416 * * *

(d) A provision that the company will issue to the employer for delivery to the employee whose life is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company without evidence of the insurability and upon application made to the company within thirty-one days after such termination and upon the payment of the premium applicable to the class of risks to which he belongs and to the form and amount of the policy at his then attained age a policy of life insurance in any one of the forms customarily issued by the company except term insurance in an amount equal to the amount of his protection under such group insurance policy at the time of such termination The provisions of this clause shall not apply to insurance described in item (4) of clause (b) of section four hundred fifteen

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett	Schrope,
Baker,	Fiss,	Lyons,	Schwab,
Balliet,	Flanagan,	Madden,	Seif,
Balthaser	Fleming,	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simons,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose,	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Brunner,	Harkins,	Moser, F. S.,	Thompson, G.R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley	Trout,
Calvin,	Hewitt,	O'Connor,	Van Allsburg,
Carpenter,	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler,	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan	Rhodes,	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose,	Yeakel,
Downey,	Lee,	Roseberry,	Turner,
Eckels,	Leisey,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1377, entitled:

An Act to suspend the operation of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties."

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HALL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 704, as follows:

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" changing the eligibility requirements for examination increasing the minimum required ages eliminating the exemption from examination of persons engaged in beauty culture prior to one thousand nine hundred and thirty-three increasing the hours and length of time required for training for students and teachers and managers changing the requirements of beauty culture schools increasing the number of necessary teachers changing the places and dates of examination changing the powers and duties of the Department of Public Instruction increasing the period of notice of hearings and eliminating preliminary notices

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. HALL. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 697, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much as relates to the Department of Public Instruction of section two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative department boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1865) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Officers The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

* * * * *

In the Department of Public Instruction
- State Council of Education
- Pennsylvania State Board of Censors
- Public School Employes' Retirement Board
- Pennsylvania Historical Commission
- Board of Trustees of Thaddeus Stevens Industrial School
- Board of Trustees of Pennsylvania State Oral School for the Deaf
- Board of Trustees of Pennsylvania Soldiers' Orphan School
- Board of Trustees of West Chester State Teachers' College
- Board of Trustees of Millersville State Teachers' College
- Board of Trustees of Kutztown State Teachers' College
- Board of Trustees of East Stroudsburg State Teachers' College
- Board of Trustees of Mansfield State Teachers' College
- Board of Trustees of Bloomsburg State Teachers' College
- Board of Trustees of Shippensburg State Teachers' College
- Board of Trustees of Lock Haven State Teachers' College
- Board of Trustees of Indiana State Teachers' College
- Board of Trustees of California State Teachers' College
- Board of Trustees of Slippery Rock State Teachers' College
- Board of Trustees of Edinboro State Teachers' College
- Board of Trustees of Clarion State Teachers' College
- Board of Trustees of Cheyney Training School for Teachers
- State Board of Medical Education and Licensure
- State Board of Pharmacy
- State Dental Council and Examining Board
- State Board of Optometrical Examiners
- State Board of Osteopathic Examiners
- Osteopathic Surgeons' Examining Board
- State Board of Examiners for the Registration of Nurses
- State Board of Barber Examiners
- State Board of Veterinary Medical Examiners
- State Board for the Examination of Public Accountants
- State Board of Examiners of Architects
- Anthracite Mine Inspectors' Examining Board
- Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
- State Registration Board for Professional Engineers

Section 2 Article four of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 451 The State Board of Barber Examiners shall consist of three members who shall be appointed by the Governor to serve as follows One member for a period of Three years One member for Two years and one member

for one year Each member of the Board shall serve from the date of such appointment and until his successor has been appointed Each member of the Board of Barber Examiners provided for in this Act shall receive as compensation Fifteen Dollars for each day spent in the performance of their duties The Board of Barber Examiners shall be furnished suitable quarters in the Department of Public Instruction to carry on the duties of their office The first meeting of the Board shall be held within thirty days after their appointment

Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania shall have been a registered barber under the laws of this Commonwealth and shall have followed the occupation of barbering Covering all phases of Scientific Barbering including Bacteriology anatomy of the upper body Histology of the Hair and skin and the scientific manipulation of the muscles of Head and Face in the Commonwealth for a period of at least five years next preceding his appointment

The board shall elect one of its members as chairman and a secretary who may or may not be a member of the board The salary of such secretary is to be determined by the board with the approval of the Superintendent of Public Instruction The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside

Two members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least two members

Section 3 Section one thousand three hundred ten of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1865) is hereby further amended to read as follows

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Mine Inspectors' Examining Board created by the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred and fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and the amendments and supplements thereto

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 4 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BRONSON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 700, as follows:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" by changing the provisions as to fees charged apprentices and students requiring all barber shops to be registered and transferring the administration of several of the provisions of this act to the State Board of Barber Examiners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three four and five of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferrnig certain powers and duties on the Department of Public Instruction and providing penalties" which title and sections were amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) are hereby further amended to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the [department] State Board of Barber Examiners herein-

after referred to as the board shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined that a test of his or her blood was made and that he or she is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the department [department] an examination fee of five dollars or such other fee as may be fixed by the [department] board and shall present himself or herself at the next examination of applicants as hereinafter provided The [department] board shall thereupon proceed to examine such person after being satisfied that he or she is above the age of sixteen years free from contagious and infectious disease has a certificate showing graduation from an eighth grade school or its equivalent and has either (a) studied the occupation for a period of two years covering a period of at least 2500 hours as a registered apprentice under a qualified and practicing barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least six months and served at least eighteen months covering a period of at least 1500 hours as an apprentice with a registered barber Under no circumstances shall a student or apprentice receive wages directly or indirectly for service rendered If the [department] board is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concering the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation and the knowledge of the Barber's Licensing Laws and rules and regulations of the [department] board adopted thereunder it shall enter his or her name in the register hereinafter provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be

For any person to be registered as a teacher in a barber school he must be at least twenty-three years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a registered barber in a registered barber shop or (b) training in a registered barber school of at least fifteen hundred hours in not less than ten months and in addition thereto two years' experience as a registered barber or in lieu of subsections (a) and (b) hereof fifteen years' experience as a barber five years of which experience shall have been as a registered barber in a registered barber shop in this State The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering physiology hygiene elementary chemistry relating to sterilization and antiseptics massaging and manipulating the muscles of the face neck scalp haid cutting bobbing shaving and trimming the beard dyeing the hair and the Barber Laws of this State and the rules and regulations adopted by the [department and advisory committee] board The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars

Every person now managing or who shall hereafter manage a barber shop which has not been heretofore registered shall file with the board an application for the registration of such barber shop which application shall set forth the name and address of the owner of the barber shop and the address of the barber shop for which registration is sought The applicant at the time of filing the application shall pay to the department the sum of five dollars

Section 4 (a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education as determined by an examination conducted by the [department] board and either (1) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registrating barbers as required by this act or (2) can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years prior to making applications in this state shall upon the payment of the required fee be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering Should he fail to pass the examination upon payment of the required fee he may take one other examination if he so desires In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth Provided That such apprentice or student shall apply to the [department] board to have his or her name registered with the [department] board in a book which shall be kept by the [department] board and secure a permit upon the payment of a fee of [one dollar] two dollars which permit shall be valid for two years to practice as an apprentice under a duly registered barber or student under a duly registered teacher such permit to be displayed in front of his or her working chair Students upon graduation from a registered barber school and having served eighteen months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop as hereinbefore specified shall make application for examination at the next regular period specified in this act In case the applicant fails to pass such examination he or she shall secure a new apprentice permit upon the payment of a fee of one dollar which shall be valid until the next succeeding examination.

Apprentice permits not exceeding two to practice as an apprentice barber may be issued at the discretion of the [department] board

Section 2 Section six of said act is hereby amended to read as follows

Section 6 The [department] board shall hold public examinations in March June September and December in the cities of Philadelphia Pittsburg Scranton Harrisburg and Erie at such date as the board shall prescribe

Section 3 Section seven of said act as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) is hereby further amended to read as follows

Section 7 The department [department] shall furnish to each person to whom a certificate of registration is issued a certificate stating that the holder thereof is entitled to practice the occupation of barbering or to teach in registered schools of barbering The holder of such certificate shall display the same in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve

Section 4 Section eight of said act as amended by the act approved the ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 158) is hereby further amended to read as follows

Section 8 The certificate shall be renewed on or before the [first] thirtieth day of April in each year and the holders of said certificates of registration shall pay to the department [department] the sum of two dollars or such other sum as may be fixed by the department [department] for a renewal card Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the [first] thirtieth day of April in each year and who continues the practice of barbering or an any of its branches shall on conviction thereof before any magistrate alderman or justice of the peace be subject to a fine of not more than ten dollars to be collected by summary conviction as like fines are collected by law or in

case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days Any such person shall have the right of appeal as in other cases of summary conviction

Section 5 Sections nine and ten of said act as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) are hereby further amended to read as follows

Section 9 The [department] board may suspend or revoke any permit or certificate of registration granted by the department [it] under this act to any person who (a) habitually indulges in the use of ardent spirits narcotics or other stimulants to such an extent as in the opinion of the [department]board incapacitates such person from the duties of a barber (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber (c) performs work in an unsanitary or filthy manner or place of business (d) who is grossly incompetent (e) who conducts his business of barbering on Sundays (f) who displays any price list for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop [section] or who advertises prices by means of signs posters hand bills circulars slides motion pictures radio newspapers magazines or other publications or advertising media (g) unethical or dishonest practice or conduct (h) employing an unlicensed person Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department [department] with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose permit or certificate of registration has been so suspended or revoked may after the expiration of ninety days on application have the same reissued to him or her upon satisfactory showing that the disqualification has ceased except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered

Section 10 The [department] board may adopt reasonable rules and regulations prescribing the sanitary requirements of each barber shop or barber school in cooperation with the Department of Health and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop or school which shall at all times be kept conspicuously displayed in such shop or school It shall be unlawful for any person to open either a new barber shop or move his shop to another place or take over as owner an existing barber shop [or take over as owner an existing barber shop] until he or she has filed an application with the [department] board for the inspection [and] approval and registration of such shop It is further provided that no barber shop may open for business until said inspection has been had and the shop approved It shall be unlawful for any person to sleep in or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering purposes exclusively Any officer or duly authorized agent of the department [department] may enter and make reasonable examination of any barber shop or barber school during the business hours for the purpose of ascertaining the sanitary conditions thereof and ascertaining whether the shop or school and all persons working therein are properly licensed and registered Any barber shop barber school or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the [department] board may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school or the permit hereinafter required for such shop or school or both the certificate and permit

Section 6 Section eleven of said act is hereby amended to read as follows

Section 11 The department [department] shall keep a register in which shall be entered the places to which and the names of all persons to whom certificates of registration or permits for serving apprenticeship or as students are issued under this act which register shall be open to public inspection during the business hours of the department

Section 7 Sections twelve thirteen and fifteen of said act as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1689) are hereby further amended to read as follows

Section 12 In no barber shop shall there be more than one apprentice who must be at all times under the supervision of a barber authorized under this act to practice such occupation All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School" Any copartnership corporation or person desiring to operate or conduct a barber shop or barber school shall first secure from the department [department] a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The [department] board may pass upon the qualifications appointments and course of study in said school which shall be not less than six months All barber schools shall have not less than one registered teacher for every twenty students and in no case less than one full-time teacher who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto graduation from an eighth grade school or its equivalant as determined by an examination conducted by the department [department] and it shall attach to its staff as a part-time teacher a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven nor more than eight hours per day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than one thousand hours for completion in not less than six months and shall comprise all of the subjects pertaining to barbering the barber laws of this State and the rules and regulations adopted by the [department] board and shall include practical demonstrations and theoretical studies and studies in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such treatments

Section 13 To shave or trim the beard to cut hair to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical appliances to singe and shampoo the hair or apply any makes of hair tonics and to dye hair of any person for compensation direct or indirect the person performing such service shall be construed as practicing the occupation of barber within the

meaning of this act No person shall practice or attempt to practice barbering for compensation directly or indirectly in any place other than a registered barber shop except that any registered barber in a registered barber shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness incapacitation confinement and other emergencies Provided however That nothing contained in this section shall be construed to include hospitals or colleges and private schools for children so-called beauty shops or hair-dressing parlors or schools of beauty culture except that it shall be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the department [department]

Section 15 Any barber apprentice or student who shall pratice the occupation of barber while suffering from contagious or infectious disease or who shall knowingly serve any person afflicted with such disease shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars or undergo an imprisonment not exceeding thirty days or both at the discretion of the court

Any barber apprentice or student who shall infect any person or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such occupation shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding six months or both at the discretion of the court

Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances not inconsistent with the provisions of this act or the rules and regulations adopted therunder as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools and any municipality shall have power by proper ordinances to fix the days and hours during which barber shops in the said cities may be open for business All municipalities with proper Ordinances shall have power to enforce the provisions of the Barber Act 202 Pamphlet Law 589 as amended

It shall be unlawful

(a) To own manage operate or control any barber shop unless continuously hot and cold running water is provided for therein except in communities lacking such facilities

(b) To own manage operate or control any barber school or part or portion thereof whether connected therewith or in a separate building wherin the practice of barbering is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work is done by students exclusively

(c) To own manage control or operate any barber shop unless the same displays a recognized sign indicating that it is a registered barber shop which shall be clearly visible at the main entrance to said shop

(d) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop

The [department and advisory committee] board shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act

The department shall employ at least five inspectors who shall be required to devote their entire time to the inspection of barber shops and to the enforcement of the provisions of this act All inspectors or investigators of barber shops shall be qualified barbers who have practiced barbering in the State of Pennsylvania for a period of five years immediately preceding their appointment and must be citizens of the United States

Any person who shall violate any of the provisions of this act except as herein otherwise provided shall upon summary conviction thereof be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars or to undergo an imprisonment of not less than ten days nor more than sixty days or both at the discretion of the court Any such person shall have the right of appeal as in other cases of summary conviction

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BRONSON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 737, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section two of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) is hereby further amended to read as follows

Section 110 Where any school district is abolished and its land reverts to or becomes a part of two or more school districts or where any land heretofore annexed to one school district is made a part of the district in which it is located or where a new district is made by the creation of a new city borough township or independent school district out of one or more school districts or where the boundary lines of any district are changed by the changing of the boundary lines of any city incorporated town borough or school district or where any part of any school district is merged with any other district or districts or parts thereof as hereinafter provided then in any such case the school districts to which land has been annexed or from which land has been taken or which have been newly created shall make a just and proper adjustment and apportionment of all school property real and personal including funds as well as indebtedness if any to and among such school districts Such adjustment and apportionment shall be made as of the date of the decree or order creating such new city borough township or school district or of the decree of the court or vote of the electors affecting such annexation or merger The indebtedness of any school dis-

trict hereby abolished whose land is wholly within the boundaries of any school district hereby established shall be assumed and paid and all its personal property acquired by such school district

Such adjustment and apportionment shall be made in the manner and subject to the limitations prescribed in sections one hundred and eleven to one hundred and fifteen both inclusive of this act

Section 2 Article one of said act is hereby amended by adding at the end thereof the following new sections

Section 132 The State Council of Education shall as soon as possible adopt and prescribe standards and regulations for the merger of school districts or parts thereof Such standards and regulations shall take into consideration the following factors Topography density of population community interests facility of transportation of pupils financial ability of the district school organization and existing school plants Such standards and regulations may be revised from time to time by the State Council of Education as the need therefor appears

Section 133 Whenever the county board of school directors and the board of school directors of each of the school districts affected of any county shall deem advisable said boards with the advice of the county superintendent and pursuant to the standards and regulations promulgated by the State Council of Education shall prepare and submit to said council a plan for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units

Section 134 Upon the approval of said plans for the merger of school districts or parts of school districts by the State Council of Education it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county In case such districts or parts of districts are situated in two or more counties the petitions shall be presented to the court of common pleas of the county in which the largest part in area of the land affected is situated which court shall have exclusive jurisdiction over the matter

The petition for any such merger shall request the submission of the question of such merger to the electors of each district affected thereby at the next general or municipal election to be held at least ninety (90) days after the presentation of said petition The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of each district affected thereby Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions If a majority of the electors of each school district voting therein shall be in favor of said merger as shown by the returns of said election a certificate of the returns shall be filed with the Superintendent of Public Instruction the prothonotary of the court of common pleas the county board of school directors and the board of school directors of each of said school districts and the merger shall become effective on the first Monday in July next succeeding said election But such merger shall be effective as to only those districts in which a majority of the electors voting on the question shall have assented to said merger

Section 135 In any instance in which a school district is merged with another district or districts by the terms of this act the directors then in office in each of said districts shall continue in office until the expiration of their respective terms and shall jointly constitute the board of school directors of the resulting merged school district At the first municipal election after such a merged school district is created and at each subsequent municipal election there shall be elected in such resulting merged school district the same number of school directors and for like terms as is provided by law for school districts of the class to which such resulting merged school district belongs so that upon the expiration of the terms of the directors of the former districts which were merged the board of school directors of such resulting merged district shall be composed of the same number as in other districts in said class

Section 136 Whenever any school district shall be merged with any other district or districts as herein provided all the debts and liabilities of the several districts shall become the debts of the merged school district unless otherwise provided by an agreement in writing approved by a majority vote of each board of school directors prior to the time said question of merging is submitted to the voters All rights of creditors against any of the districts shall be preserved against the merged school district All property heretofore vested in the several districts shall become vested in the merged district and all debts and taxes owing to the districts uncollected in the several districts and all moneys in the treasuries of the several districts shall be paid to the treasurer of the new district

In each case where only a part of a district is merged the distribution of assets and liabilities of the part merged and the part not to be merged shall be determined by written agreement by the county board and the board of the district affected before the question is submitted to the electors

Section 3 Section eight hundred and four of said act is hereby amended to read as follows

Section 804 The officers of the county board of school directors shall be the officers of the annual convention of school directors of the county [When the school directors have assembled in such annual convention they shall elect from among the directors coming from school districts under the supervision of the county superintendent the following officers to wit a president two vice-presidents a secretary and a treasurer which officers shall serve until the end of the next annual convention of school directors in said county or until their successors are chosen] and each of said officers shall perform such duties as may be assigned to him and as usually devolve upon such official Every school director of a district under the supervision of the county superintendent attending such convention shall have the right to vote in the election of [said officers] members of the county board of school directors

Section 4 Sections eight hundred and nine eight hundred and ten eight hundred and thirteen and eight hundred and fourteen of said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) are hereby amended to read as follows

Section 809 [There is hereby created] In each county under the supervision of a county superintendent [a] the county board of school directors [The membership of the first board so created] shall [consist of the members of the executive committee chosen at the annual convention of school directors held during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight (1937-1938)] perform the duties heretofore vested in the executive committee of the annual convention of school directors of the county

Section 810 The term of office of the members first chosen for the said county board of school directors shall be determined as follows Immediately after they are chosen at the annual convention of school directors held during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight (1937-1938) they shall meet and qualify by taking an oath of office They shall then determine by lot which one of their members shall serve until the first day of July one thousand nine hundred forty-four which two shall serve until the first day of July one thousand nine hundred forty-two and which two shall serve until the first day of July one thousand nine hundred forty Thereafter members of the said county board of school directors shall be elected at the annual convention next preceding the expiration of their respective terms of office and shall serve for terms of six years or until their successors are chosen All vacancies occurring by reason of death resignation removal from the county or otherwise [except by the expiration of a term] shall be filled by a majority vote of the remaining members of the county board of school directors The person elected to fill such vacancy shall hold his office until the next annual convention at which a successor shall be elected for the balance of the unexpired term

No person shall become or be re-elected as a member of the county board of school directors unless he at the time he is chosen holds the office of school director within the county A vacancy shall occur upon the removal of the residence of any member of the county board from the

county or from a district under the jurisdiction of the county superintendent

Any member of the county board of school directors may be removed in the same manner and for the same cause as provided by law for removal of members of boards of school directors in the several districts of this Commonwealth

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts to be used after the first day of July one thousand nine hundred thirty-eight

(c) [Subject] To apportion subject to the approval of the State Council of Education [to apportion] the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school site and buildings by the State Council of Education

[(e) In accordance with standards and regulations set up by the State Council of Education and subject to the provisions of this act to prepare plans and to present the same in a petition to the court of common pleas of the county whereby all school districts which employ no teacher for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be immediately merged with other districts and all school districts which employ ten teachers or less for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven shall subject to the provisions set forth in clause (b) of section one hundred and eight of this act be merged with other districts on and after July first one thousand nine hundred forty-one also to prepare and submit to the State Council of Education plans for additional reorganization of school districts and attendance areas the first draft of which plans shall be submitted on or before the first day of January one thousand nine hundred thirty-nine and supplemental drafts of plans shall thereafter be submitted at such intervals as requested by the said council]

(e) To prepare plans for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units and to submit the same to the State Council of Education and to the court of common pleas in accordance with the provisions of this act

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

(j) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100.00) per annum except upon the approval of the court of common pleas of the county The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

Section 5 Section one thousand one hundred and thirty-three of said act is hereby amended to read as follows

Section 1133 The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subject to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent

After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the county board of school directors

Section 6 Section two thousand six hundred and fifteen of said act as amended by section ten of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) is hereby further amended to read as follows

Section 2516 In all school districts of the second third and fourth class in this Commonwealth the auditor's report of the finances of the district for the preceding year as made by the auditors herein provided shall be filed with the board of school directors and entered on the minutes of the board by the secretary thereof In all school districts under the direction of a county superintendent the auditor's report shall be inspected by the county board of school directors and shall be signed and forwarded to the department by the county superintendent and in addition to all copies now required by law a copy of such report shall be filed with the county board of school directors which copy shall be retained by the board

Section 7 Clauses (b) and (c) of section one thousand and eight as added by section one of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) are hereby specifically repealed and all other laws and parts thereof inconsistent with the provisions of this act are hereby repealed

Section 8 The merger of any school district with another district or districts prior to the effective date of this act is hereby ratified and confirmed and is hereby constituted a valid merger under the terms of this act notwithstanding the fact that at the time of such merger there may not have existed any valid legislaiton authorizing such merger The provisions of this section shall not apply to any merger which has been set aside by judicial action or which has been made the subject of litigation in any court of the Commonwealth instiuted prior to the passage of thes amendments and still pending and undetermined

Section 9 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett,	Schrope,
Baker,	Fiss,	Lyons,	Schwab,
Balliet,	Flanagan,	Madden,	Seif,
Balthaser,	Fleming,	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simons,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose,	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,

Brunner,	Harkins,	Moser, F. S.,	Thompson, G.R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley,	Trout,
Calvin,	Hewitt,	O'Connor,	VanAllsburg,
Carpenter,	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler,	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.,	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan,	Rhodes,	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose,	Yeakel,
Downey,	Lee,	Roseberry,	Turner,
Eckels,	Leisey,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1060, entitled:

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity, regulating actions of such instruments and execution on judgments obtained in such actions, and excepting certain actions from the provisions of said act.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. RHODES. Mr. Speaker, at the request of the sponsor, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1075, entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett,	Schrope,
Baker,	Fiss,	Lyons,	Schwab,
Balliet,	Flanagan,	Madden,	Seif,
Balthaser,	Fleming,	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simons,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose,	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Brunner,	Harkins,	Moser, F. S.,	Thompson, G.R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley,	Trout,
Calvin,	Hewitt,	O'Connor,	Van Allsburg,
Carpenter,	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler,	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.,	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan,	Rhodes,	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose,	Yeakel,
Downey,	Lee,	Roseberry,	Turner,
Eckels,	Leisey,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1204, entitled:

An Act to amend sections two, three, four, five and six of the act, approved the eighth day of April, one thousand nine hundred thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board," ex-

empting riparian owners in certain cases from the provisions of said act; changing the provisions of said act which declare void certain condemnations and appropriations of waters; and further regulating the condemnation appropriation and acquisition of streams and waters by municipalities, corporations, quasi municipal corporations, districts, authorities, partnerships and persons.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HALL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 909, entitled:

An Act to amend sections nine, ten, twelve and sixteen of the act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended, "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended; regulating the use of impounded waters in Federal flood control works and improvements; restricting the power of eminent domain; providing for the payment of the cost of Federal works and improvements; conferring powers on the Water and Power Resources Board; and further preserving rights of landowners, persons and municipalities.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HALL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 272, entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett,	Schrope,
Baker,	Fiss,	Lyons,	Schwab
Balliet,	Flanagan,	Madden,	Seif,
Balthaser,	Fleming	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simon,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose,	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Brunner,	Harkins,	Moser, F. S.,	Thompson, G. R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley,	Trout,
Calvin,	Hewitt,	O'Connor,	VanAllsburg,
Carpenter	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler,	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. B.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.,	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan,	Rhodes,	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose,	Yeakel,
Downey,	Lee,	Roseberry,	Turner,
Eckels,	Leisey,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 879, entitled:

An Act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto and giving a right of action against such political subdivision for the recovery of such taxes and fees upon their failure to make such refunds making the provisions of the act retroactive and repealing existing laws

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ely,	Leydic,	Royer,
Alspach,	Ewing,	Lichtenwalter,	Sarge,
Andrews,	Falkenstein,	Long,	Scanlon,
Atkins,	Fauset,	Lovett,	Schrock,
Auker,	Fisher,	Lyons,	Schrope,
Baker,	Fiss,	Madden,	Schwab,
Balliet,	Flanagan,	Malloy,	Seif,
Balthaser,	Fleming,	Malone,	Serrill,
Bardes,	Foor,	Marr,	Shaw,
Bennett,	Freed,	Matthews,	Shearer,
Bohn,	Fullerton,	McClester,	Simons,
Boney,	Furman,	McGarrity,	Skale,
Boorse,	Gates,	McKinney,	Sloan,
Boose,	Gillan,	McLane,	Snyder,
Bower,	Gillette,	McNally,	Stambaugh,
Boyd,	Goll,	McVay,	Stank,
Brancato,	Gorski,	Melchiorre,	Stewart,
Bretherick,	Habbyshaw,	Mihm,	Stockham,
Broad,	Haines,	Montgomery,	Sweeney,
Bronson,	Hall,	Mooney,	Tahl,
Brown, H. S.,	Hamilton,	Moran,	Taylor,
Brown, S. W.,	Harbeson,	Moser, F. S.,	Thistle,
Brunner,	Harkins,	Moser, J. L.,	Thompson, G.R.,
Burns,	Haudenshield,	Muir,	Tiemann,
Burris,	Henry,	Munley,	Tronzo,
Cadwalader,	Hess,	O'Connor,	Trout,
Calvin,	Hewitt,	O'Dare,	Van Allsburg,
Carpenter,	Hindman,	O'Keefe,	Van Belle,
Check,	Hocke,	O'Neill,	Voorhees,
Chervenak,	Hoffman, J. N.,	Peacock,	Wagner,
Christler,	Hoffman, S. K.,	Peale,	Walsh,
Clark,	Holland,	Powers,	Watkins,
Clearwater,	Hoyt,	Preston,	Webster,
Cohen, H. B.,	Huntley,	Readinger,	Weiss,
Cohen, R. E.,	Imbrie,	Reagan,	Welsh, E. B.,
Cook,	James,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, R. E.	Westrick,
Cordier,	Johnston,	Regan,	Wilkinson,
Corrigan,	Jones,	Reynolds,	Williams,
Cortese,	Keenan,	Rhodes,	Wilson,
Curran,	Kilroy,	Rider,	Winner,
Dalrymple,	Kline,	Riley,	Wood, H. M.,
DeNote,	Knoble,	Robertson,	Wood, L. H.,
Dick,	Kowalski,	Rooney,	Wood, N.,
Dix,	Krise,	Rose,	Woodside,
Donahue,	Lee,	Roseberry,	Yeakel,
Downey,	Leisey,	Rosenfeld,	Turner,
Eckels,	Levy,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideraton of House Bill No. 1019, entitled:

An Act authorizing cities of the third class Boroughs incorporated towns and townships to abate certain interest charges and penalties, added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Ackermann,	Ely	Levy,	Sarge,
Alspach,	Ewing,	Leydic,	Scanlon,
Andrews,	Falkenstein,	Lichtenwalter,	Schrock,
Atkins,	Fauset,	Long,	Schrope,
Auker,	Fisher,	Lovett,	Schwab,
Baker,	Fiss,	Lyons,	Seif,
Balliet,	Flanagan,	Madden,	Serrill,
Balthaser,	Fleming,	Malloy,	Shaw,
Bardes,	Foor,	Malone,	Shearer,
Bennett,	Freed,	Marr,	Simons,
Bohn,	Fullerton,	Matthews,	Skale,
Boney,	Furman,	McClester,	Sloan,
Boorse,	Gates,	McGarrity,	Snyder,
Boose,	Gillan,	McKinney,	Stambaugh,
Bower,	Gillette,	McLane,	Stank,
Boyd,	Goll,	McNally,	Stewart,
Brancato,	Gorski,	McVay,	Stockham,
Bretherick,	Habbyshaw,	Melchiorre,	Sweeney,
Broad,	Haines,	Mihm,	Tahl,
Bronson,	Hall,	Montgomery,	Taylor,
Brown, H. S.,	Hamilton,	Mooney,	Thistle,
Brown, S. W.,	Harbeson,	Moran,	Thompson, G.R.,
Brunner,	Harkins,	Moser, F. S.,	Tiemann,
Burns,	Haudenshield	Moser, J. L.	Tronzo,
Burris,	Henry,	Muir,	Trout,
Cadwalader,	Hess,	Munley,	VanAllsburg,
Calvin,	Hewitt,	O'Connor,	Van Belle,
Carpenter,	Hindman,	O'Dare,	Voorhees,
Check,	Hocke,	O'Keefe,	Wagner,
Chervenak,	Hoffman, J. N.	O'Neill,	Walsh,
Christler	Hoffman, S. K.,	Peacock,	Watkins,
Clark,	Holland,	Peale,	Webster,
Clearwater,	Hoyt,	Powers,	Weiss,
Cohen, H. B.,	Huntley,	Preston,	Welsh, E. B.,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, M. J.,
Cook,	James,	Reagan,	Westrick,
Cooper,	Jirolanio,	Reese, D. P.,	Wilkinson,
Cordier,	Johnston,	Reese, R. E.,	Williams,
Corrigan,	Jones,	Regan,	Wilson,
Cortese,	Keenan,	Reynolds,	Winner,
Curran,	Kenehan,	Rhodes,	Wood, H. M.,
Dalrymple,	Kilroy,	Rider,	Wood, L. H.,
DeNote,	Kline,	Riley,	Wood, N.,
Dick,	Knoble,	Robertson,	Woodside,
Dix,	Kowalski,	Rooney,	Yeakel,
Donahue,	Krise,	Rose,	Turner,
Downey,	Lee,	Roseberry,	Speaker.
Eckels,	Leisey,	Royer,	

NAYS—1

Rothenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1200, entitled:

An Act authorizing all counties cities boroughs incorporated towns townships and institution districts to place their respective officers and employes in the State Employes' Retirement Association prescribing the procedure to be followed and authorizing a special tax to pay the expenses incident thereto placing certain duties upon the State Treasurer and the fiscal officers of the said municipal units prohibiting the future establishment of local pension or retirement systems and providing in certain cases for the discontinuance of existing ones

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ely,	Levy,	Royer,
Alspach,	Ewing,	Leydic,	Sarge,
Andrews,	Falkenstein,	Lichtenwalter,	Scanlon,
Atkins,	Fauset,	Long,	Schrock,
Auker,	Fisher,	Lovett,	Schrope,
Baker,	Fiss,	Lyons,	Schwab,

Balliet,	Flanagan,	Madden,	Seif,
Balthaser,	Fleming,	Malloy,	Serrill,
Bardes,	Foor,	Malone,	Shaw,
Bennett,	Freed,	Marr,	Shearer,
Bohn,	Fullerton,	Matthews,	Simons,
Boney,	Furman,	McClester,	Skale,
Boorse,	Gates,	McGarrity,	Sloan,
Boose	Gillan,	McKinney,	Snyder,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Brunner,	Harkins,	Moser, F. S.,	Thompson, G. R.,
Burns,	Haudenshield,	Moser, J. L.,	Tiemann,
Burris,	Henry,	Muir,	Tronzo,
Cadwalader,	Hess,	Munley,	Trout,
Calvin,	Hewitt,	O'Connor,	Van Allsburg,
Carpenter,	Hindman,	O'Dare,	Van Belle,
Check,	Hocke,	O'Keefe,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Neill,	Wagner,
Christler,	Hoffman, S. K.,	Peacock,	Walsh,
Clark,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Powers,	Webster,
Cohen, H. S.,	Huntley,	Preston,	Weiss,
Cohen, R. E.,	Imbrie,	Readinger,	Welsh, E. B.,
Cook,	James,	Reagan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Westrick,
Cordier,	Johnston,	Reese, R. E.,	Wilkinson,
Corrigan,	Jones,	Regan,	Williams,
Cortese,	Keenan,	Reynolds,	Wilson,
Curran,	Kenehan,	Rhodes	Winner,
Dalrymple,	Kilroy,	Rider,	Wood, H. M.,
DeNote,	Kline,	Riley,	Wood, L. H.,
Dick,	Knoble,	Robertson,	Wood, N.,
Dix,	Kowalski,	Rooney,	Woodside,
Donahue,	Krise,	Rose,	Yeakel,
Downey,	Lee,	Roseberry,	Turner,
Eckels,	Leisey,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. KEENAN asked and obtained unanimous consent to call up out of order House Bill No. 1392, Senate Bill No. 268, Printer's No. 56, on page 35 of today's calendar, bill on third reading, which was passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1392 (Senate Bill No. 268), entitled:

An Act to amend paragrah (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities included to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof of public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such liens and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction relocation alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways limiting in certain cases the amount to be borne by the public utilities concerned and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—184

Ackermann,	Ewing,	Levy,	Scanlon,
Alspach,	Falkenstein,	Leydic,	Schrock,
Atkins,	Fauset,	Lichtenwalter,	Schrope,
Auker,	Fisher,	Long,	Schwab,
Baker,	Fiss,	Lovett,	Seif,
Balliet,	Flanagan,	Lyons,	Serrill,
Balthaser,	Fleming,	Madden,	Shaw,
Bardes,	Foor,	Malone,	Shearer,
Bennett,	Freed,	Marr,	Simons,
Bohn,	Fullerton,	Matthews,	Skale,
Boney,	Furman,	McClester,	Sloan,
Boorse,	Gates,	McGarrity,	Snyder,
Boose,	Gillan,	McKinney,	Sollenberger,
Bower,	Gillette,	McLane,	Stambaugh,
Boyd,	Goll,	McNally,	Stank,
Brancato,	Gorski,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Broad,	Haines,	Mihm,	Sweeney,
Bronson,	Hall,	Montgomery,	Tahl,
Brown, H. S.,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moser, F. S.,	Thistle,
Brunner,	Harkins,	Moser, J. L.,	Thompson, G. R.,
Burns,	Haudenshield,	Muir,	Tiemann,
Burris,	Henry,	Munley,	Tronzo,
Cadwalader,	Hewitt,	O'Connor,	Trout,
Calvin,	Hindman,	O'Dare,	Van Allsburg,
Carpenter,	Hocke,	O'Keefe,	Van Belle,
Check,	Hoffman, J. N.,	O'Neill,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peacock,	Wagner,
Christler,	Holland,	Peale,	Walsh,
Clark,	Hoyt,	Powers,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,

Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss
Cook,	James,	Reese, R. E.	Welsh, E. B.
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kilroy,	Robertson,	Winner,
DeNote,	Kline,	Rooney,	Wood, H. M.,
Dick,	Knoble,	Rose,	Wood, L. H.,
Dix,	Kowalski,	Roseberry,	Wood, N.,
Donahue,	Krise,	Rothenberger,	Yeakel,
Downey,	Lee	Royer,	Woodside,
Eckels,	Leisey,	Sarge,	Turner,
Ely,			Speaker.

NAYS—7

Andrews,	Hess,	Moran,	Readinger,
Cohen, H. B.,	Malloy,	Preston,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REASONS FOR VOTE

Mr. GATES filed the following reasons for his vote.

I vote for Senate Bill 268, for the following reasons:

Under the Public Service Company Law of 1913 the Public Service Commission was empowered to allocate the expense of grade crossing eliminations in such proportions as it saw fit among the parties involved, i. e., the railroad, the municipality, and the Commonwealth. The same power has been vested in the new Commission by the Public Utility Law of 1937. In fact the railroads have been required to bear an average of approximately fifty per cent of the cost of eliminations approved by the Commission since the 1913 Act become effective.

The proposed grade crossing bill changes the allocation of the expense of a grade crossing elimination by limiting the railroad's share thereof to fifteen percent, [in addition to such portion thereof as may be for the sole benefit of the railroad].

This proposal is inspired by changed economic and transportation conditions which require the adoption of a new public policy in relation to the elimination of highway-railroad crossings at grade and the apportionment of the expense thereof. The significance of the recent vast changes in economic and transportation conditions and the necessity of a new public policy in connection with the apportionment of the expense of grade crossing eliminations was recognized by the United States Supreme Court in its 1935 decision in Nashville, C. & St. L. Ry. v. Walters, 294 U. S. 405. There Mr. Justice Brandeis, speaking for the whole Court, said this:

"* * * The charge of arbitrations is based primarily upon the revolutionary changes incident to transportation wrought in recent years by the widespread introduction of motor vehicles; the assumption by the Federal Government of the functions of road builders; the resulting depletion of rail revenues; the change in the character, the construction and the use of highways; the change in the occasion for elimination of grade crossings, in the purpose of such elimination and in the chief beneficiaries thereof; and the change in the relative responsibility of the railroads and vehicles moving on the highways as elements of danger and causes of accidents* * * *" (p. 416).

"* * * The main purpose of grade separation therefore is now the furtherance of uninterrupted, rapid movement of motor vehicles. In this respect grade separation is a desirable engineering feature comparable to removal of grades and curves, to widening the highways to strengthening and draining it, to shortening distance, to setting up guard rails, and to bridging streams. The railroad has ceased to be prime instrument of danger and the main cause of accidents. It is the railroad which now requires protection from dangers incident to motor transportation. Prior to the establishment of the Federal-aid system, Tennessee highways were built under the direction of the county courts, and paid for out of funds raised locally by taxation or otherwise. They served, in the main, local traffic. The long distance traffic was served almost wholly by the railroads and the water lines. Under these conditions the occassion for separation of grades was mainly the danger incident to rail operations; and the promotion of safety was then the main purpose of grade separation. Then, it was reasonable to impose upon the railroad a large part of the cost of eliminating grade crossings; and the imposition was rarely a hardship. For the need for eliminating existing crossings, and the need of new highways free from grade crossings, arose usually from the growth of the community in which the grade separation was made; this growth was mainly the result of the transportation facilities offered through the railroad; the separation of grade crossings was a normal incident of the growth of rail operations; and as the highways were then feeders of rail traffic, the community's growth and every improvement of highways facilities benefitted the railroads. The effect upon the railroad of constructing Federal-aid highways like that here in question, is entirely different. They are not feeders of rail traffic. They deplete the existing rail traffic and the revenues of the railroads. Separation of grades serves to intensify the motor competition and to further deplete rail traffic. The avoidance thereby made possible of traffic interruptions incident to crossing at grade is now of far greater importance to the highway users than it is to the railroad crossed. For the rail operations are few; those of motor vehicles very numerous." (pp. 421-424).

1. The Railroads of the State Have in the Past Borne a Large Proportion of the Cost of Grade Crossing Eliminations.

In the earlier days, and even at the time of the passage of the Public Service Company Law in 1913, the railroads constituted the chief means of transportation, and highways were definitely of secondary and generally of only local importance. The highways served primarily local low speed traffic, and the railroad with its speed traffic was then considered the main cause of accidents at grade crossings. Accordingly, it was thought proper to permit the commission to place a large proportion of the expense of elimination on the railroads and the Commission did so to the extent of an average of 5 percent of such total expense.

With the advance and spread of and rapid mechanical improvement in the automobile and the construction of large numbers of new and improved highways in all parts of the state, the density of highways traffic increased by leaps and bounds, and the dangers at grade crossings which had long been recognized by the courts of the Commonwealth and by the public, became many times more menacing. The number of accidents at grade crossings in Pennsylvania (as shown by the records of the Public Service Commission) jumped from 334 in 1915 to 682 in 1922 and to 1183 in 1926, and the total number of persons killed and injured in such accidents increased from 468 in 1915 to 626 in 1922 and 927 in 1926. The demand for the elimination of grade crossings became more insistent, and their elimination became important as one of the major phases of the work of furnishing the people of Pennsylvania with safe and adequate highways.

That the legislature was becoming alive to the need for affirmative aid from the state in financing this all-important program for the enhancement of public safety is shown by the fact that the Act of July 18, 1919 (P. L. 1048) appropriated $200,000—at that time a substantial sum for the Commonwealth's share in grade crossing work. That act limited the amount which could be authorized from that appropriation to one-third of the total cost of any grade crossing project. In addition, other funds of the state available for highways purposes were used for this purpose. Figures compiled by the Bureau of Railway Economics of the Association of American Railroads show that in the period from 1919 to 1932 a total of 904 grade crossings were eliminated in Pennsylvania—more than in any other state during that period—and that the contribution of the railroads to the expense of eliminating those crossings in Pennsylvania was $46,923,976. The advent of the depression so weakened the financial condition of the railroads that it has not been possible for them since that time to finance the elimination of crossings on the large scale of the previous years, and the eliminations which have been accomplished since 1932 have been made possible chiefly through the assistance of Federal funds. The average annual contribution of the railroads to the elimination of grade crossings in Pennsylvania from 1923 to 1932, inclusive, was in excess of $3,500,000. Force of circumstances reduced this average annual share to $333,000 in the years from 1933 to 1938, inclusive.

2. Highways Mileage and Motor Vehicle Operations Have Increased Tremendously in the Last Fifteen Years, While Railroad Mileage Has Remained Stationary and Railroad Operations Have Declined Substantially.

The remarkable and far-reaching changes that have taken place in recent years are graphically illustrated by the statistics which show the amazing increase in highway mileage and motor vehicle operations, while railroad mileage has remained static and railroad operations have substantially decreased. For example, the total mileage of highways in the State has increased from 12,167 miles in 1927 to 38,095 miles at the end of 1936, an increase of over 200% whereas the total miles of road operated in Pennsylvania by the principal railroads of the state had increased from 10,954 in 1927 to 10,977 in 1937, representing an increase of approximately 2 thousandths of one percent. The number of motor vehicles on the highways of the state in 1937 had increased 140% over the number of 1922 and 50% over the number in 1927, while the total train miles of the railroads of Pennsylvania had declined 10% under 1922 and 17% under 1927. These facts are best illustrated by the following tables:

	1927	1937
State Highway Mileage		
Surfaced	8,827	29,494
Non-surfaced	3,340	8,601
Total		
Total	12,167	38,095
Railroad Mileage in Pennsylvania	10,954.04	10,977.35

Motor Vehicle Registrations in Pennsylvania	1922	1927	1937
Automobiles	763,916	1,354,548	1,738,797
Trucks	65,821	200,367	246,024
Total	829,737	1,554,915	1,984,821

Total (System) Train Miles of Railroads Operating in Pennsylvania	1922	1927	1937
	282,899,839	303,933,212	252,203,583

Pennsylvania in 1937 had the third largest number of motor vehicle registration of the 48 states, having been fourth in 1927. There are today 86,749 miles of streets and highways in Pennsylvania, compared with 10,977 miles of railroad.

There are approximately 1,750,000 private automobiles from other States use Pennsylvania highways. These automobiles produce at least ten times the number of passenger miles as is produced by all railroads in the State of Pennsylvania. In other words, for every mile a railroad carries a passenger, automobiles and buses carry ten passengers one mile.

A greater use of grade crossings is made today by the motor vehicle than by the train. On some crossings there are several hundred motor vehicles passing over the crossing for each train that moves over the same crossing. Due to greater efficiency on the railroads making possible the operation of larger trains; and due to competition and depressions, the number of trains operated has been greatly reduced during the past ten years. On the other hand, the number of motor vehicles has increased, with one or two exceptions, every year over the previous year.

3. The Chief Source of Danger at Grade Crossings Today Is Not the Railroad but the Motor Vehicle.

In the earlier days the traffic on the highways was low-speed and primarily local in character, and the chief source of danger at grade crossings was considered to be the high speed of the trains. Today, with the tremendously increased speed and power of motor vehicles and the improvements in highway surface these motor vehicles have become a greater source of danger than the trains. The rapid improvement in the design and construction of motor vehicles and highways in the last decade now makes it possible for highway users to travel at speeds in excess of most passenger trains. In contrast with the narrow, winding dirt roads of twenty-five years ago, and the two-width macadam highway of twelve years ago with its sharp curves, steep grades and limited range of vision, is the comparatively straight four-trip concrete highway of today, with slight grades and excellent driving vision. As a result of these revolutionary changes in motor transportation hazards and safety problems, unknown during the early part of the century have been created.

In order to give the public the maximum of protection, the railroads subject their employees to exacting discipline and rigid training. No corresponding safety measures are imposed upon motor vehicle operators, many of whom are negligent and reckless. The increased hazards of today are not due to the railroads but are due entirely to expenditures made by the highway authorities for improved roads, to the production of automobiles capable of operating over improved highways at speeds in excess of seventy miles per hour, and to motorists who insist upon operating their cars at top speed, even when aware that they are approaching a railroad crossing. Even the protection of crossing gates and watchmen and flashing light signals does not stop the motorists, many of whom drive so fast and so carelessly that they crash

through the lowered gates or into the flashing signals, and have no one but themselves to blame if an accident results. For example, in 1936 there were in Pennsylvania 741 cases of motor vehicles crashing into or through crossing gates or striking flashing signals or running into the side of trains. (528 cases of crashing into gates or signals without running into trains, 9 cases of crashing into gates and being struck by trains, and 204 cases of running into the side of trains)—more than all of the train-automobile collisions at grade crossings during the whole year, the total of which was 670.

Thus, railroads today are still being compelled to pay for damaged and injuries which are no longer due to them but to the speed and recklessness of automobile drivers. In 1937 approximately 30% of all the persons killed and injured in grade crossing accidents were killed or injured as the result of an automobile being driven onto the crossing when the train was already there and into the side of the train—in other words, in cases where the automobile driver was so grossly negligent and so completely lacking control of his car that he disregarded not only the warnings of protective devices at the crossing but also the fact that the train was already on the crossing, and ran into the side of the train. [The courts of the Commonwealth have time and time again held that the automobilist is grossly negligent in such a case. In Wink v. Western Md. Ry. Co., 116 Pa. Super. Ct. 374, the Superior Court said this: "The appelate courts have frequently ruled that, notwithstanding road and weather conditions, it is the duty of an automobile driver to have his car under such control that he may discover a grade crossing or any other obstacle in his immediate path in time to enable him to stop within the range of his lights, or turn the car to avoid danger" (p. 375)—Warning signs and signals are provided by railroad companies to warn of the approach of a train to a crossing and not that the crossing is already occupied. The cars themselves on the track are sufficient warning to a driver of a car of that fact" (p. 378). And yet such cases accounted for as much as one third of all the deaths and injuries at grade crossings in 1937. Examination of thousands of cases shows that the great majority of the grade crossing accidents today are due solely to the high speed and recklessness of automobile drivers.]

4. The Railroads Today are Financially Too Weary to Bear a Large Proportion of the Cost of Grade Crossing Eliminations, While State Revenues Available for Highway Improvements Have Increased Tremendously.

It is a well known fact that one-third of the railroad mileage of the country is in the hands of receivers or trustees and another third is on brink of insolvency. The railroad situation generally is critical, and the financial condition of many companies, including many of those operating in Pennsylvania, is precarious. Labor costs, taxes, and other operating expenses have been increasing steadily, while the trend of operating revenues has been downward. The result has been a severe decline in railroad earnings. In 1938 the principal railroads operating in Pennsylvania suffered a total deficit of over $48,000,000.

Roads Operating in Pennsylvania	Deficit or Surplus for 1938	
Baltimore & Ohio	$13,178,225	(Def.)
Bessemer & Lake Erie	815,190	
Cambria & Indiana	778,757	
Central Railroad of New Jersey	4,264,825	(Def.)
Delaware & Hudson	156,205	(Def.)
Delaware, Lackawanna & Western	3,954,954	(Def.)
Erie	10,777,794	(Def.)
Lehigh & New England	337,798	
Lehigh Valley	3,280,613	(Def.)
Monongahela	183,665	
Montour	574,637	
New York Central	20,154,357	(Def.)
New York, Ontario & Western	1,994,314	(Def.)
Pennsylvania	3,010,781	
Pittsburgh & Lake Erie	1,698,521	
Pittsburgh & Shawmut	74,392	(Def.)
Pittsburgh & West Virginia	200,213	(Def.)
Pittsburgh, Shawmut & Northern	77,106	(Def.)
Reading	3,295,309	
Western Maryland	455,461	
Total	$48,660,330	(Def.)

On the other hand, the funds available to the Commonwealth for highway construction and improvement have increased over 100% in the last ten years, as shown in this table:

Motor Vehicle Fees	1927	1932	1937
Registration	$25,916,220	$29,676,167	$38,332,000
Gas Tax (State)	17,286,333	30,452,677	55,711,000
Total	$43,202,553	$60,128,844	$94,043,000

In the years 1930 to 1936, inclusive, a total of $52,240,303 in Federal funds have been made available to the State Highway Department for road construction and improvement in Pennsylvania. Clearly there is today far more money available from these sources for grade crossing elimination than there is from the railroad treasuries.

5. The Present System of Imposing a Large Proportion of the Expense of Grade Crossing Eliminations on the Railroads is Unjust and is Contrary to the Public Welfare.

The steam railroads have been the most influential single factor in shaping the economic development of the United States, and are still the backbone of the transportation system of the country. They afford the cheapest and safest mode of transportation consistent with speed and comfort. As an arm of the national defense, they are indispensable. The railroads are one of the nation's principal and essential industries, and a large measure of the country's welfare depends upon their solvency. They give employment to upwards of 1,000,000 highly trained men and women of whom about 100,000 are employed in the State of Pennsylvania. Inactivity of the railroads has contributed more to the stagnation of general business, lack of confidence in American investments and unemployment than any other one factor in the national recovery. If the railroads are to remain in business, giving employment to hundreds of thousands of people and purchasing millions of dollars worth of essential supplies they must be permitted to make ends meet.

Orders for eliminations, which ignore the welfare of the railroads, are both onerous and unjust. The preservation of the railroads is essential to the "public welfare." Moreover, the work of eliminating railroad crossings at grade from the streets and highways of the state is public work. It is a public undertaking in behalf of the people of this state, in which the railroads have arbitrarily been required to pay one-half the cost. Public work should be paid for out of the public treasury or by those who are specially benefitted thereby.

The main purpose of grade separation is now the furtherence of uninterrupted rapid movement by motor vehicles. In the language of Mr. Justice Brandeis, heretofore quoted, "The railroad has ceased to be the prime instrument of danger and the main cause of accidents. It is the railroad which now requires protection from dangers incident to motor transportation.

Elimination of grade crossings does not improve the daily performance of the railroad train. It does eliminate delays to many motor vehicles. Accidents at grade crossings occasionally derail the train and injure passengers, but by far the most people killed or injured in such accidents are motor vehicle passengers. In other words, the people whose lives are saved by the elimination of grade crossings are almost entirely confined to the motor vehicle passengers. Motor vehicles use public highways under authority issued by the State. This authority carries with it the obligation to safeguard the general public as well as the motoring public in every way possible. There are thousands of buses and trucks using the public highways for commercial purposes under authority issued by the State Officials. This use of public highways for private profit carries with it a definite obligation to safeguard the general public and the commercial highway user in every way possible.

During 1937 and 1938 over 19,000 applications were received by the Public Utility Commission from truckers for common or contract carrier rights on the public highways of the State. Most of these applications were granted. Many of these truckers are in competition with the rail lines. Requiring railroads to assume an unreasonable share of the cost of eliminating grade crossings makes it easier for the commercial trucker to compete with the railroads, while it adds a burden to the rail carriers. In view of these tremendous and far-reaching changes in economic and transportation conditions, there can be little doubt that it is no longer just and equitable to compel the railroads to assume so large a burden in the elimination of grade crossings, and that such policy, if continued will be definitely detrimental to the public welfare. This fact has been recognized by the Federal government, which has adopted the general policy of paying for the entire constructional cost of grade separation, out of appropriations to the states for that purpose. Mr. Thomas H. MacDonald, Chief of the United States Bureau of Public Roads, who has repeatedly advocated the reduction of the railroad's share of the cost of elimination and the modernization of state laws on this subject, said, in an address before the American Railway Engineering Association at Chicago on March 17, 1937:

> "Perhaps the first major recognition by the public of the changed condition of transportation and the realization that the railroads are an asset to be conserved, rather than a monopoly to be curbed, came with the provision in the federal highway legislation that permitted the construction costs of grade crossing improvement to be paid wholly from public funds. While it may be said that this departure from established custom grew out of the emergency necessity to provide employment of sound character, nevertheless its acceptance by the public without adverse criticism indicates the distance that public thought has traveled in its willingness to deal fairly, and as conditions now exist, with the railroads. In this, certainly the traditions of the past have been denied by a recognition of actualities and a willingness on the part of the public to meet these fairly. If we can hold to the thought of efficient transportation in whatever form, as a national asset, the debate as to meticulous methods of assessing costs of improvements which add to the efficiency of transportation loses force. The important point to the public is that those improvements shall be made."

Former Governor Alfred Smith, as a member of the National Transportation Committee, in a supplemental report, dated February 13, 1933, expressed the opinion that the railroads' share of the cost of elimination of grade crossings should be materially reduced. "In many states," he reported, "the railroad's share is as high as 50%. This is unduly burdensome and unfair to the railroads, and it has naturally resulted in bitter opposition to elimination orders and the general slowing up of the crossing elimination program. This reduction cannot, however, be accomplished by federal legislation or fiat. It must be brought about by persuasion in the several states."

In the New York Constitutional Convention of 1938, which considered this subject, Governor Smith said: "I am satified, after studying this subject for twenty years and after successfully sponsoring two amendments to the constitution, that there is no answer but to put the entire burden of the cost of elimination on the state." The proposal to limit the railroads' shares to 15%, which that convention approved and placed before the voters, was adopted at the last election as an amendment to the Constitution of the State of New York. Pennsylvania should not hesitate in following this enlightened lead, and should amend her laws to conform with modern conditions of highway and railroad transportation as rapidly as possible.

BILLS ON THIRD READING

The SPEAKER. The Chair will now return to page 37 of the calendar, bills on third reading, which were passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1030, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736). entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; increasing powers and duties of the board; and imposing additional penalties, and generally amending, clarifying and changing the provisions of said act.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, I desire to refer generally, relatively briefly to all of the compensation bills on the calendar for present action.

The SPEAKER. The Chair believes if the members who desire to debate these bills will refer to them generally it will expedite debate. That will be permitted, unless there be objection. The Chair hears none.

Mr. ANDREWS. Mr. Speaker and members of the House, I have heard there are only seven men in the world who understand relativity. The impression that I have gained from previous comment regarding compensation legislation is that there are not seven men in the world who understand it, but that only one single intellect has grappled with the intricacies of this problem. The advent of this bill in the world, and the manner and method of its accouchement, as it were, serves rather in my mind to pass doubt upon its maternity. Apparently, as the matter has been presented to the House up to this time, someone has ascended the high mountain and there talked with God, received a series of compensation acts and has brought them down to the world with not a single word to be changed. That is one story. It seems, however, that those who talked with God sought later to change the story. They did not talk with God, it seems they wrote it all themselves.

We have before us a series of intricate, complicated measures relating to the relation of employe and employer and we are told that the person who wrote these bills found it necessary to labor alone.

There were none to help him; there were none that came to his rescue, but word by word, sentence by sentence, the bill was compiled by one lonely mind operating in the realm of improbability.

This is a peculiar situation, gentlemen, and I acknowledge that I approach the contemplation of these measures with misgiving, for it has already been intimated on this floor that if the people on this side of the House knew anything about compensation they would not ask foolish questions. The fact that questions are asked, it has been intimated, proves an abysmal ignorance on the matter of compensation. Mr. Speaker, that is right. People ask questions because they don't know. Up to the present time the response to questions has been, "If you are so ignorant, if you don't know, you should sit in silence and accept these measures from the people who do know."

Compensation legislation in Pennsylvania, Mr. Speaker, the history of it dates from the realm of antiquity. There are legends running back to 1915, and some people understand that back in 1915, a young man by the name of Dave Reed had something to do with the drafting of compensation legislation as it appeared initially upon the statute books of Pennsylvania. That is one legend, but present day testimony is to the effect that there wasn't any "Dave Reed" and the body of compensation law as it existed prior to 1937 was the sole product of a single mind emanating from Jefferson county. That may be right, Mr. Speaker, and it leaves me in a very unfortunate position.

When this bill was pending on second reading, a few members of the House, who perhaps should have known better, asked how much this schedule contained in the pending program was likely to lower compensation rates, and the answer was at that time, "that is a very intricate question." It was something for the underwriters to estimate, and really if anybody knew anything about workmen's compensation they shouldn't ask such a foolish question. Another question was asked, "How much it would lower the compensation of the worker; how much less you would get for a foot; would you get anything for a foot? How much less would you get for an eye; would you get anything for an eye." Again this House was told that those were technical matters, that they were features to be framed by a universal mind and that clumsy laymen, mere members of the House, that were not schooled in the intricacies of compensation legislation should not attempt to put their clumsy fingers into the very delicate mechanism that had been framed by an expert. The measure was not to be questioned in this House, it was not to be questioned by representatives of labor, it was to be sent to the Senate and let the other house modify even a single "small t" or dot a single "i" at its peril, because we had the extremely perfect legislative achievement of all times.

I confess, Mr. Speaker, that I have heard of a prophet and I have heard of infallibility, but I have never before encountered a situation where a party caucus could be told by the sponsor of a bill, "If you change these bills in any respect, they cease to be my bills. These bills are to go through as my bills and don't you touch them, don't you modify them, because if you do you disturb the delicate background."

Members of the House, you may have such confidence in that overmastering intellect that you are willing to take all this legislation as is.

I confess that the manner in which this bill has come before the House; the manner in which its provisions up to this time have been protected against inquiry and against discussion, has prejudiced me and led me to the conclusion that I cannot trust completely measures reputedly framed by one man, and that individual for a lifetime connected with a certain school of thought in matters relating to compensation. So, because that doubt has arisen, I must decline, until I have had more information than I have been able to gather up until this time, to support these measures, submitted as they have been under the auspices with which you are better acquainted than I am.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, at the expense of possibly boring the members of this House, I nevertheless feel, in order to appreciate the seriousness of the proposition before the House, there should be a detailed enumeration of just exactly what these bills do. Possibly I could shorten it to a very great extent by calling to the attention of the membership a few percentages that I calculated, that clearly indicate the reduction that the worker will suffer in his compensation payments.

If you will refer to page nineteen of the bill, you will see that for the loss of a hand there has been a reduction in compensation from two hundred weeks to one hundred and seventy-five weeks, or twelve per cent reduction for the loss of a hand. For the loss of an arm, a reduction of nineteen percent; for the loss of a foot, a reduction of fourteen and one-half percent; for the loss of a leg, a reduction of fourteen percent; for the loss of an eye, in addition to the removal from the bill of compensation for the removal of cataract from the lens of the eye, in compensation payments alone, in addition to the reduction of the liability for compensation for the loss of an eye, there is a reduction from two hundred weeks to one hundred and twenty-five weeks, or a reduction of thirty-seven and one half percent. Even I cannot con-

ceive that the Governor of the Commonwealth, who in his telegram which was read at this House indicating that he had passed through the vale of darkness, if he has been consulted about this bill, could stand for a reduction for the loss of an eye of thirty-seven and one-half percent in compensation. It clearly indicates that either he has not been consulted or that his telegram did not express his real inclination.

I think I should point out in a categorical manner just exactly what this bill does. I feel sure that each individual member should have clearly before him the effect of each and every amendment that has been placed in the bill.

This bill does the following:

Specifically exempts industrial homeworkers from coverage.

Deletes language exempting domestic servants and farm laborers.

Deletes language subjecting individual partners and officers of corporations from penalties imposed.

Deletes language covering volunteer firemen.

Deletes provision giving minors power to contract, etc., and to file claim against parent employer.

Strikes out presumption in favor of employe in damage suits and provision for admissibility of remarks made by employe within 12 hours after the accident.

Changes language covering liability for principal contractor for compensation to injured employe of uninsured subcontractor to cover only accidents occurring on property of principal contractor.

Bars compensation when injury is caused by employe's disobedience of safety rules or wilful failure to use safety appliances.

Strikes out language giving minor employed by parents right to compensation and covering minors or other employes engaged at time of injury in violating law, rule or regulation of business or order of employer.

Reduces time limit for compensable death from 500 to 300 weeks after the accident.

Provides that employe must be "actually" engaged in business of employer.

Makes possible self-insurance of part of liability; abolishes annual fee for self-insurers.

Abolishes requirements for posting of notice of compensation by employer.

Abolishes penalty for fraudulent statements to department by employer but raises penalty for failure to secure compensation liability.

Compensation for total lisability—Raises percentage of wages from 65 to 66-2/3. Lowers weekly minimum benefit from $12 to $9. Imposes maximum amount limit of $7,500. Abolishes provision making compensation retroactive after disability has continued four weeks. Provides that when total disability follows partial, the 500 weeks period for which benefits for total is payable shall be reduced by number of weeks for which partial benefits were paid. Reduces maximum weekly benefits in cases of permanent partial from $18 to $15, and reduces maximum period from 400 to 300 weeks. Raises percentage of wages payable for schedule injuries from 65 to 66-2/3 and makes reductions in weekly periods during which compensation is payable in the case of loss of major members. Abolishes from schedule compensation for loss of toes. Reduces compensation for disfigurement. Provides that periods for compensation for permanent total and permanent partial injuries shall run concurrently.

Medical benefits—Reduces period of medical benefits from 3 months to 60 days and abolishes right of board to extend period. Abolishes right of employe to be examined by his own physician at expense of employer. Abolishes provision for dental services and artificial appliances. Reduces maximum amount from $200 to $150. Provides in addition hospital service during 60-day period at prevailing rate.

Abolishes provision for compensation for second injuries.

Provides that disability payments shall be deducted from death benefits.

Imposes restrictive provisions for compensation for hernia.

Death benefits—Reduces minimum weekly compensation. Raises maximum percentage of wages payable from 65 to 66-2/3. Reduces age of department children from 18 to 16 and deletes provision for payment of benefits until age 21. Restricts compensation to widows. Imposes maximum weekly benefits of $18 and reduces minimum average weekly wage upon which benefits are to be calculated from $18.50 to $15. Makes general reduction in amount of benefits payable to children.

Changes method of calculating average weekly wage.

Right there let me stop for a moment and explain just how insidious that apparent innocous amendment is. The membership of this House well knows the situation occasioned by the Romig Decision when it was decided by the Superior Court of the Commonwealth of Pennsylvania and well knows that the Supreme Court of the Commonwealth of Pennsylvania overruled the Superior Court in the Romig Decision. To re-enact all the insidious obnoxious elements of the Superior Court's Romig Decision, makes it possible for an injured employe to receive as low as fifty cents a week compensation for injuries suffered even though the individual lost a member, an arm, an eye or some other vital part of his body.

Bars compensation to alien widows and children.

Reduces time for employe's notice of injury to employer from 30 to 14 days, regardless of any knowledge of injury by employer and provides that if notice is not filed within 90 days no compensation shall be allowed.

Reduces time for filing claims from 2 years to one.

Abolishes penalties on employers who make commutations of benefits in violation of the act and introduces a provision relating to commuted settlements which is disadvantageous to employes.

Reduces amount of compensation payable to injured minors illegally employed from double regular amount to 110%.

Strikes out provision for presumed election to be covered in absence of rejection of act.

Deletes provision for second injury fund.

Abolishes penalty on employers who fail to send copy of agreements to department and makes other deletions disadvantageous to labor concerning agreements disapproved by department.

Permits review and modification on basis of fraud, mistake of law, or fact or change in condition of employe, provided that except in case of eye injuries, petition for review must be made within one year after date of last payment of compensation.

Provides that compensation of impartial physicians appointed by referee shall be paid by department and later assessed upon either or both of the parties, instead of being paid by the employer.

Provides that findings of fact by the board must be based upon "sufficient competent evidence to justify the same."

Reduces time within which rehearings may be held from 2 years to 1, and deletes language suspending time during which appeal may be taken during determination of certain rehearings.

Provides that when case is remanded to board by court the testimony taken in the original hearings shall (instead of may) be considered as though taken in further hearing.

Reduces time in which a final receipt for payment of benefits may be set aside from 600 weeks to one year and limits grounds upon which it may be set aside to conclusive proof that the receipt was secured by fraud, coercion or other improper conduct.

Deletes provisions for assessment of medical and legal fees in the same manner as other awards against employer and lauguage permitting representation of claimant by union agent.

Abolishes assessment of costs of administration of workmen's compensation and rehabilitation act on insurers and self-insurers.

Changes separability clause to provide that the damage law and workmen's compensation sections must stand or fall together.

Mr. Speaker and members of the House, I feel we have before us a bill of such tremendous importance to every working man, woman and child in the Commonwealth of Pennsylvania, before we act with favor upon it every one of these particular amendments should be the subject of study and scrutiny by each member of this House. I do not fear that a continuation of the act of 1937 is imposing upon industry in the Commonwealth of Pennsylvania a burden that it cannot carry, but I do fear that if we pass this act, and this act is ever signed by the Governor and made the law of the Commonwealth of Pennsylvania, that the men, women and children injured in their service to industry will not receive their just and honest dues. I fear that with the passage of this bill, with benefits below those of the old 1915 act, we are going to establish in this Commonwealth a prominent relief roll, a roll composed of men injured in their service to industry in the Commonwealth; men who are not receiving from that same industry which they served compensation sufficient to afford them the opportunity to rehabilitate themselves. I fear with the passage of this act and its final enactment into law we are taking away from industry a burden which should be theirs, and placing it upon the Commonwealth, because with this act in effect, with these benefits reduced, with continued industrial accidents, with relaxation of safety measures which the employer will allow because he will know that injuries are now not going to cost him anything, we will have in Pennsylvania a group of injured men, women and children right on the relief rolls, from which they will never be removed. What you are doing is standing on the floor of this House talking about the fair women who found jobs for a couple of people in some township and took them off the relief rolls, and by your vote on an important measure you are making injured men and women, men and women who are working so impecunious by the miserly benefits that you are attempting to pay them, that after each and every injury those same people will go right back onto the relief rolls that you are trying to reduce. If the men, women and children, who for years have served industry and are injured in following their gainful employment, are injured at the expense of our industrial society, deserve nothing better than they will get by House Bill 1030, you are the men who are maintaining the relief rolls at their high level. You are the men who will say, "Once injured, no opportunity for rehabilitation." You are the men who will say, "Once having lost an arm, no opportunity for gainful employment." You are the men who will say, "The widows and the children must also become recipients of our relief rolls."

I plead with the membership of this House not to enact into law a bill of such vital importance, a bill of such destructive nature to the working men and women of the Commonwealth of Pennsylvania.

Mr. HINDMAN. Mr. Speaker and members of the House, I realize that there has been quite a little discussion on this bill, but it is one in which I am so vitally interested that I do not feel I can allow the opportunity to pass without any making some expression.

Ladies and gentlemen of this House, this is one of the most important bills we have had to consider during the period I have been in Harrisburg. Pennsylvania as you know is an industrial state, hence workmen's compensation has played a very important role ever since its enactment in 1915. As you probably know the act passed in that year was intended to be supplemented by the Legislature in 1935 but that act was killed in the Senate. In 1937 a new compensation law was passed and I regret very much that while parts of that law, we all admit, went too far in certain directions, yet it certainly was a very great improvement over the previous law of 1915. At the time the law was passed in Pennsylvania, this great industrial state, stood about 23 in the list of states in the United States having compensation laws. When these last bills were enacted a great deal of time was given them. Weeks were consumed in committee, the bills were studied, they were amended and changed. Actuaries were consulted, the medical profession was consulted, the industrial employer of labor was consulted, the Department of Labor was consulted, and there were a great many specialists along that line who were taken into the confidence of those who were framing the laws.

Mr. Speaker, I say to you if that law was not right, parts of which the sponsor of this bill reminded me were not constitutional, how much more likely to be unconstitutional is a bill which is the product of the brain of one man. I am sure I have always had the most profound respect for this gentleman, but his party has given him one of the biggest contracts we have ever known to be given a single man, who, according to his own admission was the sole author of this bill.

Ladies and gentlemen of this House, even Thomas Jefferson, to whom we give credit for framing that wonderful document, the Declaration of Independence, was not the sole framer of it, but he had a great many advisors, so I feel with such a momentous proposition as this before us, it should have had a great deal of study and deliberation, it should have had the very best talent you could get to help work out this momentous problem. As to the time a man who was injured in industry is entitled to compensation, I say to you it is fallacious that a reduction should be made from sixty to thirty days. As far as the compensation to the medical profession is concerned, that was reduced from two hundred dollars to one hundred and sixty dollars. In the Act of 1915 each physician was permitted one hundred dollars for each case. That was very small indeed, and the cost due to the advance in the methods in treating these cases, the necessity for x-ray pictures and the various forms of treatment which are necessary, the expense is approximately thirty to thirty-five percent greater today than it was at that time.

I submit to you that that is a very unfortunate part of this bill. I have it on good authority that the leaders of the

medical profession in the state of Pennsylvania were not even consulted regarding any portion of this bill. What happens if a man is injured in industry, as many of them are, and cannot work perhaps for six months? According to this bill, after the first sixty days, he will either have to be turned over to charity or be treated by a physician without any remuneration at all.

Ladies and gentlemen of the House, I repeat and say, "Amen" to what has been said before. I hope that you will not pass this bill in its present form. In the interest of thousands of working men in all walks of life in this great State of Pennsylvania, consider this bill most carefully and do not pass it. I say that to you in all seriousness. If you do you are retrogressing. You will be taking one of the most backward steps that I have known to be taken since I have been here on this Hill. I hope you will ponder it very carefully and decide for yourselves, knowing that your final verdict will mean a great deal to thousands of people in this state.

Mr. MORAN. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. Mr. Speaker, the Democratic party has picked out its speakers, and I am very grateful that they have established themselves and are speaking ahead of me. I see no reason why the gentleman from Allegheny should take a different course from those who have preceded him. It seems to me if he has some objection to this bill he should do like the other gentlemen have done and express his opinion. I would like very much if the gentleman would state his objections, as well as any others who have objections to the bill, so that one statement by myself will be enough. Therefore, I would not like to be interrogated upon the merits of the bill at this time.

Mr. MORAN. I thank the gentleman from Jefferson, Mr. Wilson. Mr. Speaker and members of the House, you are considering at this time a bill or a number of bills that are going to effect every worker in the State of Pennsylvania. Some twenty-five years ago there was a workmen's compensation act attempted in the State of Pennsylvania. The only thing that was "workmen's compensation" about it was the name. Up until 1937 it did very little good for the people in industry. They say that a lot of industrialists do not participate in the Workmen's Compensation Act as it now is in Pennsylvania. They say that it puts a handicap on industry, and they even say in some cases it drives industry out of Pennsylvania. I say, ladies and gentlemen of this House, that the only thing it has driven out of Pennsylvania and the only people that do not want to participate in workmen's compensation in Pennsylvania, are the sweat shop operators, and we are very glad they do not participate in it. We hope they get out of the state of Pennsylvania.

No industrialist fails to set aside a part of his profits against wear and tear and accidents that decrease the efficiency or necessitate the replacement of his machinery. But what howls arise when some industrialists are asked to set aside a sum to pay compensation for the accidents that happen to their workers?

The reason for the distinction is rather brutal:

Machines cost more than men.

An injured workman can be replaced by another workman at the same wages. The industrialist loses nothing. But society loses the services of a worker—perhaps permanently—through an injury sustained while in the employ of a certain employer.

Someone must take care of that injured worker.

Such cases should not be a charge upon the public at large any more than a broken machine in a factory should be replaced out of tax funds or private charity.

The cost of industrial accidents to humans belongs in the same place as industrial accidents to machines—on the shoulders of the employers in whose service those accidents occur.

Some employers fought any State laws for workmen's compensation. The same type today fights legislation to make them pay something approaching the whole cost of such accidents.

Pennsylvania's workmen's compensation law was passed about 25 years ago, when there was still a quabble over whether to have any such statute. This is why it was an inadequate compromise until enacted in its present form in 1937.

It was so out of date that this great industrial State ranked Thirty-fifth in a list of how well States provide for the care of injured workmen. Pennsylvania was even behind the Philippine Islands.

There was simply no excuse for that—although there is an explanation.

As long as the Pennsylvania Legislature was dominated by servants of the reactionary type of employer there was little hope of bringing the workmen's compensation law up to date.

But the 1937 Session passed measures liberalizing this law and put this Commonwealth among the leading states of this Union.

Ladies and gentlemen of the House, I say to you if you want to make Pennsylvania a backward state, as far as workmen's compensation is concerned, vote for these measures, if you want to continue to keep Pennsylvania among the leading states of the Union, with a liberal compensation law, vote against these measures.

MOTION TO TABLE BILL

Mr. MORAN. I move, Mr. Speaker, that this bill be laid upon the table.

The motion was not agreed to.

On the question recurring.

Shall the bill pass finally?

Mr. WILSON. Mr. Speaker and members of the House, it is rather a wonder to me that the gentleman who has preceeded me did not think of the old saying, "The more they wondered the more the wonder grew, how one small head could contain all he knew."

Mr. Speaker, in order to get this thing rightly before the House it becomes necessary to take a few minutes to explain it. If there were anything that would convince those who know compensation that the gentlemen on the other side are not posted, have not taken the pains to post themselves and have not presented it correctly, the talk that has preceeded me is surely convincing on that score.

Mr. Speaker, and members of the House, let us take the history of compensation for just a moment. The Compensation Act was passed in 1915. They refer to the fact that I was a member of the House, and they also

refer to the fact that Senator Reed was here and helped to draft this law. Senator Reed was not a member of the House, but he was on the Committee appointed in 1913, and he, together with others made a report. In 1915 he made a report of certain parts of it and he was very able in that work. You will remember that Francis Shunk Brown, a former Attorney General put the act together. Those of the members who were here, together with myself on the Committee were the ones responsible for putting the act on the statute books.

We started out with a maximum of ten dollars a week and a minimum of five dollars a week. That went along for a number of years. It was amended in 1917, and increased to twelve dollars for the maximum and six dollars for the minimum. Again in 1927 the maximum was increased to fifteen dollars a week and the minimum to seven dollars a week. It went along from 1927 until 1935, when the Democrats came into power and introduced a bill. That bill was a bill that would have, if it had been passed, increased compensation very greatly—over two to three times. It is unnecessary to go into that because it did not pass the Senate. Then in 1937 we had the act of 1937. That is the Act that these gentlemen have been speaking about so highly. I do not recall that any one of them endorsed the provisions of that act in their entirety, but even if they did it would do no good. The trouble is this, we are confronted with a situation, Mr. Speaker, and that situation should be explained in two or three important particulars so that the public can understand them.

During the session of 1937, shortly after the act went into effect there was a commission appointed by this General Assembly to investigate the costs of taxation and workmen's compensation. That report should have been in but it was not in until after the 1938 session went by. I tried to get the report of this commission before the Legislature but they would not release it. We claim, of course, that was for political reasons. I want the gentlemen in this House to know who were on that commission that investigated taxation and workmen's compensation. The members of the Commission were: John H. Dent, Chairman, Senators Stiefel and Gelder, and Representatives Lovett, Trout, Vice Chairman and Weiss.

Various complaints were made about the increased cost of workmen's compensation, and they were fully verified by the report that was made by that commission. It said it was prohibitive and here is the whole thing set forth. It went as high as three hundred per cent. It did say that industry was leaving the state. There are just a few words in this report that are very interesting. Some of these people had their compensation cost increased from nine dollars per hundred to twenty-two dollars per hundred; others from $8.33 to $18.64; others from $12.00 to $29.90; others from $8.30 to $17.71; others from $9.00 to $20.00; others from $8.00 to $18.00; others from $7.33 to $25.25; others from $9.00 to $19.83. All of these facts were known by those who made a business of compensation and knew what the effect would be and believed it. Sixty-five per cent of the anthracite employers rejected the act and that began when this new act went into effect. No matter how wonderful are the provisions of this new act, it makes no odds how fine it would be if the act would be complied with, but they are not complying with it, they are unable to comply with it. The people who are hiring the men in the anthracite fields, the large employers, could not carry it, and so they rejected the act. There are over two hundred thousand people in this state that are under no act at all because of the fact that their employers have rejected the act. Not a single word has been spoken by the gentlemen who have preceded me, on that score. And now, even more of these anthracite coal operators would have rejected the act, leaving their employes without any protection whatsoever so far as compensation is concerned, had they not been actually bankrupt or in the hands of receivers. These gentlemen, if they know anything about the situation in Pennsylvania will say to you, in addition to that the bituminous coal operators are finding themselves, in the same condition as the little saw mill operators, and the rest of the people are in the same condition, all these things are taking place and they are rejecting the act. Hundreds of them, one thousand six hundred and thirty employers, many of them large, have rejected the act, and you have no compensation for those employes. What explanation have you to offer the men and the dependents of those employes who were not covered by compensation? Over half of those in the anthracite field are not covered, more and more of the bituminous people are rejecting the act, and not only the bituminous people but other people. Not one word has been said about the rejection of this act and how many people would be left entirely without protection, if you please, be left alone with nobody to pay their expenses to get a high class lawyer to bring an action under the old law, a condition that would bring about a breakdown of workmen's compensation in Pennsylvania to such an extent that more than half, approximately three-quarters of them in the anthracite field are not covered by this act at all, and a goodly proportion of the bituminous operators are not under the act at all. Many employers find that they cannot get insurance at all. This is well known to all the employers in this state.

It is all right to talk about one thing and then leave the most important thing out. It is not a pleasant thing to be accused of being a one-man power. There isn't a man in this House but knows there isn't any such thing as that.

The problem was this: The workmen's compensation act in Pennsylvania has broken down and every man who pays any attention to it knows it. The gentlemen on the other side, at least two of them were here in 1935, advocating a bill that was almost twice as much as the bill that was finally passed in 1937. The gentleman from York and the gentleman from Allegheny were supporting a bill that was twice as much as the bill actually passed. They actually advocated on the floor of this House, instead of a one to two hundred per cent increase, a two to four hundred per cent increase. That was their knowledge of the bill. These two gentlemen know at least, that the Committee that wrote it somewhere and some way in 1937 passed the bill through the House of Representatives and sent it to the Senate. When the Senate got it they cut it right in two in the middle, and the two gentlemen, the gentleman from York and the gentleman from Allegheny, were actually parties to a bill that was twice as much as the bill that was passed. They were told at the time, or at least an effort was made to tell them at the time, on the

floor of this House, as to what the bill would do. They interrogated me in the same manner, and in words of condemnation that were much the same as when I began to talk about this bill. When the bill came back from the Senate, ladies and gentlemen of the House, after having been cut right in two in the middle by amendment in the Senate, the question arose, would the House agree to those amendments? and in spite of all that had been said, in spite of all the arguments much the same as tonight, in spite of all the promises and the wonderful things that that act was going to do they said, "Yes, Mr. Speaker, we move that those amendments be concurred in," reducing it right in two in the middle; cutting their words right in two in the middle. When that took place they even went so far as to commend me, if you please, the one man who was such an enemy to labor and the dependents of those deceased laborers. They did it on the floor of this House. The record of 1937 will show that the sponsor of the bill said in public that he owed me a debt of thanks and so expressed himself. He said every word I said was true; every amendment made was correct; that the act as framed in the House would have closed all the mines in Pennsylvania; it was too high and therefore they were accepting the amendments of the Senate. That is what happens, gentlemen, when men who are inexperienced try to write a law, and that is what they get. After it was enacted into law, what did they get? They got the act of 1937 and these reductions began to take place and industry began to flee from Pennsylvania, just as I had predicted it would. The rating bureau took weeks and weeks of time to ascertain how much they should be charged for rates after the bill went into effect in its present form.

It would be enlightening to the people on the floor of this House and within the sound of my voice, who go out tonight and look around and about the cities and towns, if they will pick up the Pennsylvania Compensation Manual that is based upon the act of 1938 and read some of it.

This comparison has been prepared by the people who tell you what the rates shall be.

Schedule Rate Classes	Code No.	Comp. rate	Minm. Prem.
Caisson Work, Pneumatic	610d	8.50	140
Concrete Construction	654	11.15	65
Payroll to include persons engaged in making, setting up, taking down or operating forms, scaffolds, false work and concrete mixing or distributing apparatus.			
Excavation, cellars and foundations for buildings, bridges retaining walls and dams, including grading preparatory to building erection —no dredging	609d	8.20	135
Explosives Mfg.—all employees, including office and selesmen, N. P. D.	593	10.00	300
Farm Machinery Operation by Contractors; threshing, shredding, ensilage cutting, harvesting and hay baling, feed mill, all employees, including office, but excluding logging and saw mill operations	007	8.50	41
Flat Cement Work	608	8.15	135
This classification is not available for excavation or concrete contractors and may not be used as a payroll division with classification 609, Excavation, or 654, Concrete Construction.			
Iron Erection	655	21.35	170
Junk Dealers, Shop and Outside, all employees, including office, N. P. D. including smelting or refining of soft metal scrap	860	18.80	230
Risks engaged in dismantling automobiles and also conducting bona fida garage operations may have, upon application to the Bureau, a division of payroll			
Mining—not coal, all employes, except office and salesmen	025d	9.70	100
Pile Driving, including timber wharf building	611	15.00	150
Quarries, N. O. C.—including drilling or stripping by contractor or operating and incidental stone crushing, cutting or polishing or lime burning	051d	8.90	100
Railroad Construction and Maintenance of Way by Contractors—all operations incident thereto, except tunneling and bridge building	605d	10.00	180
The entire payroll in construction of bridges or culverts exceeding a span of 12 feet or in the construction of tunnels must be separately classified and rated.			
Road or Street Construction, including paving and surfacing; also including culverts not exceeding 12 feet span	601d	10.00	180
Roofing N. O. C., N. P. D. with 676 Sheet Metal Erection	659	10.00	80
Saw Mills and Logging, including logging R. R., all employees except office	009	19.60	165
Sewer Construction—all work to completion, including masonry work in connection therewith no tunneling	603d	12.80	200
Tunneling and shaft Sinking, all work to completion	615d	15.00	150
Wood Distillation, including logging, all employees except office and salesmen, N. P. D.	587d	8.25	165
Wrecking or Demolition of Buildings or Structures—all employees, including office	671	40.00	425

You can readily see what is wrong. They are living up in the clouds instead of taking conditions as they actually are. Here is a further point along that line, the whole act was tested as to the reasonableness of it and as to the constitutionality of it, and that eventually resulted in an opinion being filed by the Supreme Court, in a unanimous opinion, if you please, that was written by Justice Maxey. That opinion embraced forty-seven pages in the first instance and goes into great detail. Not one word has been spoken by the attorney from York about this decision. Many of the things he says I have deleted from the bill were deleted in compliance with the directions that had been laid down by this opinion of the Supreme Court. Not one word is said about the opinion of the Supreme Court. I wonder if they are going to cast reflection upon the unanimous opinion of the Supreme Court. Remember this, a tailor or a dressmaker given a certain amount of cloth from which to complete a garment to be handed to the purchaser, given only so much cloth, must then go about it to construct that gar-

ment in the best manner possible. What I claim for this act, this bill No. 1030, is that it is a balanced bill, made necessary by reason of the opinion of the Supreme Court and by reason of the fact that the act broke down and the employers of this State by the hundreds rejected it, and there is no compensation for the people. We had to start upon the premise that compensation could not be put into a bill that would cost in its entirety much more than the act prior to 1937. Why haven't they told you anything about that?

These rejectors haven't had any difficulty because they rejected the act. When an employe is hurt what do they do? They merely settle with their employes in litigation cases, taking as the basis the act prior to 1937, and therefore when they settle with them they make a complete settlement as though it had been made under the old law. All over this state employers are doing that today, and when they make a settlement it stays, it is done, it is completed and there are no complaints. The lawyers are not filing claims, and thousands of the poor widows are not paying exemption fees to anybody. There isn't anything paid out because employers are settling these cases under the old act.

Mr. Speaker and ladies and gentlemen of the House, if a very great percentage of the employers of this state are now settling their claims under the old Common Law, using as a basis the Workmen's Compensation Act as it was prior to the Act of 1937 why would any reasonable man or woman on the floor of this House advocate the continuance of an act that would bring about such an intolerable condition? Why under the sun would any reasonable man condemn a member of this House who conscientiously and sincerely brings into play all of his knowledge based upon the training and experience that he has had to do the fair thing with the amount of cloth with which he has to work? I fully realize that the finger of scorn may be pointed at me temporarily for this work. Be that as it may, I have great faith that it will gradually sink into the minds of the people who have sat here and criticized so freely that they have brought destruction and ruin upon themselves. They refused to accept the situation as it is. Now, what do I do? I merely do the best I can, in good faith, with the material with which I must work.

Mr. Speaker, I have here five bills, and the proposition is that these five bills are being considered at once. They are House Bill Nos. 1030, 1031, 1301, 1302 and 1401. It is my contention, Mr. Speaker, that these five bills are companion bills, and that the people who have spoken before me have made many mistakes because they failed to read all these bills to see what they do. Somebody prepared a list of the things that they thought I did or I didn't do. Many of these things, as I said before, are partially right, but had to be done by reason of the opinion of the Supreme Court. I will touch on the Supreme Court's decision, Mr. Speaker. I am very sorry to have to take up a little additional time but I feel it would not be fair to me, nor would it be fair to the Republican members of this House, who have placed their confidence in me, if I did not take sufficient time to defend these bills on the floor of this House.

This bill re-writes the main body of the law. It changes the Act of 1937, which has recently been declared unconstitutional by the Supreme Court in some eight different, important particulars, and doubt as to the constitutionality of the entire Act was raised by the Court, so that the Act will be based upon the main provisions and general form of the Act prior to the 1937 enactment. However, there are several important changes and corrections as to the old Act. It raises the maximum rate from fifteen dollars to eighteen dollars per week, which is the same as the 1937 Act. It raises the minimum weekly compensation from seven dollars to nine dollars per week (which is a reduction of three dollars per week as of the 1937 Act) and as to the minimum, if the employe's weekly wages are lower than nine dollars, the weekly rate of wages shall be the weekly compensation. The percentage of wages is increased as to both the old Act and the 1937 Act, from sixty-five per cent to sixty-six and two-thirds per cent. This is done for convenience in administration.

The maximum duration of payments for total disability to injured employes is five hundred weeks, which is the same as the old Act. It raises the maximum total payment to injured employes, over the old Act, from six thousand five hundred dollars to seven thousand five hundred dollars. It retains the periods for specific injuries the same as under the old Act, but with the possible increase in the weekly rate in each specific case it may raise the total compensation in such case accordingly.

As an example: If an employe lost a hand under the old Act and received the fifteen dollars maximum rate per week for the one hundred seventy-five weeks allowed, he would receive a total of two thousand six hundred twenty-five dollars, but under House Bill No. 1030, he would receive for one hundred seventy-five weeks at eighteen dollars per week, or a total of three thousand one hundred fifty dollars. Now, how can they argue that it would be less?

It also has a provision, over and above the old Act, as to loss of hearing in both ears. It provides one hundred fifty weeks compensation in such case, or a possible total of two thousand seven hundred dollars.

Mr. Speaker, a man who loses both his ears would under this Act get two thousand seven hundred dollars, but under the old Act he didn't get it. Under House Bill No. 1030, if he loses his hearing, he gets two thousand seven hundred dollars, provided he is fortunate enough to get the maximum rate, the same as in the old Act, but it carries a possible total amount of compensation in such case of two thousand seven hundred dollars as against two thousand two hundred fifty dollars.

The disfigurement period is a possible one hundred fifty weeks, the same as in the old Act, but it carries a possible total amount of compensation in such case of two thousand seven hundred dollars as against two thousand two hundred fifty dollars under the old Act.

It increases the medical services from thirty to sixty days, and raises the total cost of same from one hundred dollars, plus hospital costs, to one hundred fifty dollars, plus hospital costs.

It restores the old hernia clause, but strengthens the defense as to doubtful cases.

The period of time to dependents are the same as under the old Act; however, it provides for no compensation to alien widows and children.

The percentages to dependent children are the same

as under the old Act, but the increased possible wage basis increases the possible weekly compensation to children slightly.

In general, comparing it to the old Act, the increased total costs may be from 10% to 20%. However, this indicated increase in total costs will be held down slightly on account of special provisions as to the statute of limitations and the change in method of computation of wages. (See Section 309).

It makes clear the doubtful and uncertain provisions of the old Act, and will, on account of its clearness, prevent at least 50% of the number of litigated cases. This feature alone will be a great saving to the State and both employers and employes.

It will be noted that all unconstitutional provisions have been kept out of the Act. To that end, volunteer firemen are covered by a separate Bill (House Bill No. 1301), and the exemption of agricultural workers and domestic servants is provided for under another Bill (House Bill No. 1302). These provisions are the same as originally passed—that is, by separate Bills.

House Bill No. 1031 repeals the Act approved July 2, 1937, (P. L. 2714) entitled, "Occupational Disease Compensation Act".

To explain: The 1937 "Occupational Disease Act" is a supplement to the 1937 Workmen's Compensation Act. The purpose is to repeal that supplement and cover Occupational Disease Compensation by a separate and distinct Act. This has been covered by House Bill No. 1401.

House Bill No. 1401 is a complete Occupational Disease Law, independent of the Workmen's Compensation Law. It is elective, and election or rejection may be made regardless of whether the parties have accepted or rejected the Workmen's Compensation Law.

It provides for compensation for disability or death for the same schedule of occupational diseases as carried in the present Occupational Disease Supplement, and like the present Occupational Disease Supplement compensation for disability or death, is the same as that provided in the Workmen's Compensation Law, and as the present Occupational Disease Supplement limits the compensation to $3,600 where death or disability is due to silicosis, anthraco-silicosis and asbestosis, that same limit is carried in this bill for such diseases.

It carries the same schedule for loss of members as House Bill No. 1030, as members can well be lost from an occupational disease as well as from an accident. It provides for compensation to the same dependents as provided for in House Bill No. 1030. It eliminates the ambiguity in the present Occupational Disease Supplement regarding the $3,600 limit for disabili death due to silicosis, anthraco-silicosis and asbestosis and also eliminates the provisions of Section 8 of the present Occupational Disease Supplement which the Supreme Court declared invalid

While it provides for joint payment by the Commonwealth and the employer in cases where the disability or death results from silicosis, anthraco-silicosis and asbestosis and such other occupational diseases as develop only after an exposure of five or more years, the Commonwealth's liability hereunder has been reduced to 50% for the first two years, as compared to the Commonwealth's liability of 90% for the first year, under the present Occupational Disease Supplement.

The procedure for the payment and determination of claims are the same as provided in House Bill No. 1030, except that Medical Boards are created to determine the medical questions involved in contested claims. The duties of the Medical Board are clearly set forth in this Bill.

The Medical Board's findings on medical questions are final, subject to review, while in the present Occupational Disease Supplement the Medical Advisory Board therein established was not clothed with any real authority, and its opinion could be entirely disregarded by the compensation authorities. This has been corrected in House Bill No. 1401.

This Bill establishes an Occupational Disease Fund in the State Workmen's Insurance Fund for payment of such compensation as the Commonwealth is responsible for, and carries an appropriation of $100,000 which, it is believed, is ample to take care of the Commonwealth's responsibility for the biennium. This bill would become effective October 1st, 1939, which should give employers and employes ample time to accept or reject it on or before that date.

I want to call to the attention of the members of the House and the Speaker, that House Bill No. 1030, does not provide for any compensation to alien widows and children. Why? Because the conditions in Europe and the conditions of the world are such that it cannot be administered and the administration has not been satisfactory. Let me cite one case as an example, the last one I had just a few weeks ago of a widow in the old country. She went back there from America over twenty-five years age. She was twenty-five years away from her husband, and for three years there was no letter, no money, or anything else. After the man's death, that was proven conclusively, but in spite of that the referee in charge granted compensation. It is not fair, in comparison with the administration in this State.

The percentages to dependent children are the same as under the old Act, but the increased possible wage basis increases the possibly weekly compensation to children sligthly.

The old Act is the only Act that you can fairly compare it to. It is not fair to say on the floor of this House, that something is being taken from the employes and their dependents when they do not have it, because of the rejection, the wholesale rejection, if you please, and I leave it up to you, Mr. Speaker. Did they present that picture to you? They did not. Did they enumerate the hundreds of people that would be affected, the literal thousands of people that would be affected by it, and the dependent children that would have been affected by it, without any compensation at all? The idea of hanging their opinions on something that is up in the clouds; the idea of criticizing somebody that in all fairness and good faith tries to remedy a condition that has been made intolerable by the actions of such men as the gentleman from York and the gentleman from Allegheny, a condition, if you please, Mr. Speaker, that would have been much worse, or twice as bad, had they had their own way.

When the gentleman from York was endeavoring to interrogate me on the floor of this House, when this bill was on second reading, he knew but very little about the act and so acknowledged, and wanted a longer time to prepare.

Right there, Mr. Speaker, I want to say to you that even the press knew all about this bill.

It has been here just a month, and these gentlemen refused positively to take any notice of it; they refused to take it as though it meant anything. The gentleman from Cambria in his own paper said that the bill in its present form would probably not go very far. You see we are neighbors out there and we have many of these papers and editorials and so on. The gentleman from Cambria may treat this matter in a sarcastic manner; the gentleman from Cambria may say he does not understand anything about it, but don't you think he should, upon the merits of the bill, tell you how many have rejected the Act and in what condition the people of this state are. Should he not have told you that? Should not the attorney who knows everything and who has been very prominent on the floor of the House for three sessions, have told you something about that? Should he not commend some of the people who advocated this bill, agreed to write it and put it in writing and let him read it. He formulated these questions to fire at the gentleman from Jefferson. Did you ever see such an exhibition of lack of good faith in claiming knowledge which they do not possess?

Now, for Dr. Hindman, he comes into the picture, as fine a man as you can find anywhere, there isn't any question about that. He comes into the picture, he knows nothing about the subject at all except the medical expenses. Does he know anything about the proposed Act of 1935. Does he know anything about the act of 1937? Does he know anything about the employes and the insurance people of this state that have secured thousands and thousands of dollars over and above their compensation claims? Mr. Speaker, that is just exactly the record of the self insurers in this state, thousands upon thousands of dollars. It is not only the record of the self insurers, but it is the record of many insurance companies, if you please. Now, why? Because there is an economic condition in Pennsylvania that some people persist in denying; because there is such an economic condition in this state they say it is on the verge of ruin, and any man who has any intelligence, and I am sure that the gentleman from Cambria does have, I am sure he will agree with me that the situation is most serious. What brings about that result? I will tell you what brings it about. One of the main factors for it, Mr. Speaker, and there is not a member on the floor of this House that can refute it, one of the main factors why we are in this financial condition today is because we have an intolerable Workmen's Compensation Law that punishes the little employer, that punishes the big employer, that makes it impossible for us to get ourselves out of the red. There are other factors also, taxation, unemployment, if you please. They are all together in the picture. Unless Pennsylvania in her wisdom and in her strength, and we people have the courage to stand up in the face of the criticism that is levelled at us right on the floor of this House, if you please, by people who have shown that they do not know a thing concerning that which they speak about, unless we provide adequate compensation legislation then we are in a sorry plight indeed. Where can we possibly raise the money to keep these hospitals and schools going? He is the county of Schuylkill unable to pay its teachers. There are other townships, counties and communities importuning us on all sides What are we to do? Is there a single man on the floor of the House who can answer me tonight as to what they are going to do? Is there a single man on the floor of the House that will say that the words I am saying to you now are not the truth? I challenge the gentleman from York to go on record and I challenge the gentleman from Allegheny to say it. I know that the gentleman from Cambria will not say it because I have read his editorials, and I know that Dr. Hindman is not the kind of a man that can make the statement that there isn't grave danger here. I will get back to these rates in just a moment.

Here is what the Supreme Court said in that decision. On page five of this decision, which was an opinion by Justice Maxey is this statement:

> "The total number of persons employed in the anthracite industry in Pennsylvania is approximately one hundred thousand. Between 1926 and 1935 the working capital of the anthracite industry shrank from $111,097,223 to $8,860,217."

Mr. Speaker, is it any wonder that they are going into bankruptcy and into the hands of receivers and that their property is being stolen by bootleggers?

The opinion goes on to say:

> "During the years 1932, 1933, 1934 and 1935, the industry suffered losses, respectively, of $10,507,779, $8,572,586, $1,664,142 and $10,235,977. In 1934, the total amount of workmen's compensation liability incurred by anthracite operators in Pennsylvania was $2,600,000. The anthracite industry was also conducted at a loss in 1937, and the workmen's compensation liability for 1936 and 1937 was approximately the same as in 1934. The cost of workmen's compensation to the anthracite operators of Pennsylvania would be increased by more than 100 per cent. over the cost of workmen's compensation under the Act of 1915, solely by reason of the increased schedule of compensation. The features of Act No. 323 other than its schedules would increase the costs of compensation by an additional 20 per cent. In many cases of total permanent disability and death from accident, Act No. 323 would increase the compensation benefits by approximately 200 per cent. The estimated compensation liability of anthracite operators under Act No. 552 during the first year of its operation would be $8,640,000. This amount would be increased by $2,500,000 during each of the three successive years so that in the fourth year of the operation of the act the total compensation liability of anthracite operators under Act No. 552 would be $16,200,000. Under the provisions of the Workmen's Compensation Act of 1915, the plaintiffs were exempted from the requirement that insurance be carried against their liabilities under Article III. Prior to January 1, 1938, anthracite operators who applied for an exemption from the duty of insuring against liability under Article III were required by the defendant to deposit with him securities of the value of many millions of dollars in order to obtain such exemption."

Did the gentleman from York tell you anything about what it costs you to get an exemption under those conditions, by putting in conditions surrounding the giving of a bond, and so forth?

The opinion goes on to say as follows:

> "They were also required to carry excess insurance against such liability. If the anthracite operators were to accept the provisions of Acts Nos. 323 and 552, they would be required to deposit additional sceurities in the amount of millions of dollars in order to obtain an exemption from the duty of carrying insurance against workmen's compensation liability, and they would also be required to carry additional and greater amounts of excess insurance."

Now, that is the opinion of the Supreme Court but that is only a start. On page seven, you will find the following:

"The legislature derives its power to enact a Workmen's Compensation Act from Article III, section 21 of the Constitution, being the amendment adopted November 2, 1915."

I do hope that the gentleman from York will at least listen to this:

"This constitutional authorization of such an act lays down three fundamental requiremnts of the act: (1) The compensation which may be required of employers must be 'reasonable.' (2) The injuries compensated must arise 'in the course of employment.' Compensation for occupational diseases of employes must also by clear implication arise in the course of employment. (3) The acts authorized must provide for benefits to be paid by employers to their employees. The constitutional provision referred to does not authorize acts which would provide compensation from employer 'A' to the employees of employer 'B.'"

The lawyer from York will understand what is meant when I tell him that.

On page eight are these words by Justice Maxey:

"If compensation rates are fixed so high that capital does not reap a fair share of reward from these joint endeavors or if the rate is fixed so high as to wipe out or unduly encroach on that margin of a just return to which capital is entitled, the compensation rate is unreasonable and therefore the act prescribing it is invalid and unconstiutional."

Those are the words of Justice Maxey. Did they tell you about that? They did not. Justice Maxey has only started.

He says:

"There can be no more fatuous policy than one of so burdening industry as to kill the spirit of enterprise and to paralyze what would otherwise be normal initiative and energy. One of the earliest and most widely known and accepted fables is that of 'killing the goose that laid the golden eggs.' In this venerable fable the man who committed this act of folly is held up as an archetype to be avoided. The courts of this state and nation have in countless decisions recognized and enforced the right of those who invest and manage capital to a fair share of the fruits of such investment and management. It has been held by the United States Supreme Court that even the owner of a business dedicated to the public service, such as a railroad, is entitled to 'fair or reasonable profit.'"

That is not all, members of the House, we have just started. The opinion further says:

"Dayton-Goose Creek R. Co. v. U. S. Interstate Commerce Com., 263 U. S. 456. In I. C. Com. v. U. P. R. R. Co., 222 U. S. 541, the Supreme Court of the United States declared that 'an order of the Interstate Commerce Commission may be set aside if it appears that the rate is so low as to be confiscatory and in violation of the constitutional prohibition against taking property without due process of law.' In Pub. Service Com. v. Beaver Valley W. Co., 271 Pa. 358, 114 A. 373, this court declared that if the rates allowed to a public service company are inadequate to provide a reasonable return on the property invested in the corporation, the result is confiscation. It is equally true that if the rates of compensation which the legislature orders employers to pay injured employees prevents any return or a reasonable return on the property invested, the result is confiscation—a situation intolerable in a constitutional government. Laws should conserve property, not destroy it. The tragic experiences of the people of other countries today clearly demonstrate that the step from a government's arbitrarily taking of property to its arbitrarily taking of life and liberty is a short one. In republics like ours the protection of life, liberty and property are the specific subjects of constitutional and judicial protection.

The United States Supreme Court said in Knoxville v. Water Co., 212 U. S. 1: 'The courts, in clear cases, ought not to hesitate to arrest the operation of a confiscatory law, but they ought to refrain from interfering in cases of any other kind . . . . Our social system rests largely upon the sanctity of private property, and that State or community which seeks to invade it will soon discover the error in the disaster which follows.' In Pierce, Governor of Oregon v. Society of Sisters, 268 U. S. 510, the same court said: 'Prevention of impending injury by unlawful action is a well recognized function of courts of equity.'

"A workmen's Compensation Law which meets the test of reasonableness in compensation as between the employee who receives and the employer who pays is one of the most socially beneficient enactments which statesmanship is capable of producing."

We all say "Amen" to that.

"On the other hand, a Workmen's Compensation Law which places upon any industry a burden so crushing that it makes that industry's existence either impossible, or, to its owners, economically undesirable is a measure which the workmen themselves should emphatically condemn and reject, for it paralyzes the very activities on which their economic well-being depends. Unprofitable industries soon become idle industries; idle industries mean idle capital, and in all ages and countries idle capital has always meant idle men."

I ask the gentleman from York and all of those who have spoken, to look over the fields in the anthracite region and the fields in the bituminous region. Those who are here opposing this bill are those who are followers of the people who are responsible for the shut-down in the bituminous industry, and every man and women on the floor of this House happens to know it.

Justice Maxey goes on and says this:

"There are many provisions of Act No. 323, which are alleged to be unreasonable. For example, under section 306 A of Act No. 323 the minimum compensation for the first 500 weeks after the 7th day of total disability ..... shall not be ..... less than twelve dollars per week ..... provided that if total disability shall continue for four weeks or more, the employee also shall be entitled to receive compensation for the first seven days of total disability. Should total disability become permanent, then, in addition to the compensation provided for 500 weeks, and beginning at the expiration of the 500 weeks, the sum of $30 per month shall be paybale during such permanent total disability prior to death.' It is obvious that the above provision for compensation for life imposes a heavy burden on industry and if the complainants can prove that the minimum of $12 per week exceeds in a substantial number of instances the wages paid, the provision should be adjudged unreasonable."

And he so judged it to have been unreasonable.

Now, listen to this, he says, and this is your own Romig Case, if you please:

"A law which requires an employer to pay a disabled employee, and particularly for a long period, more than the employee earned before his disability arose, does not conform to the constitutional test of reasonableness."

Justice Maxey tells you right there and that is a decision joined in by all the Justices of the Supreme Court,

and is the main point complained about. It so happened, Mr. Speaker, that I carried through one of the very first test cases, and the argument that I made in 1937 applies to this and I will be willing to take it into the Supreme Court now because it is better understood. I want to repeat this:

> "A law which requires an employer to pay a disabled employee, and particularly for a long period, more than the employee earned before his disability arose, does not conform to the constitutional test of reasonableness".

They are complaining about the unsound computation of wages. First we accept the theory as advanced in the state of West Virginia, only making it a little bit more favorable to the employee in our state.

We realize that the Supreme Court recognizes that no employee shall receive compensation rates in excess of wages, because the theory behind it all is to give back something which the man has lost, but if he never earned it he is not entitled to it.

Justice Maxey says:

> "The most earnest advocates of Workmen's Compensation Laws never contemplated that the rate of compensation for disabled employees should be placed so high as to make idleness more remunerative than work."

That is the answer in the Romig Case. Not a lawyer in the state of Pennsylvania who has paid any attention to it, and not a lawyer who knows anything about compensation will say anything any different. We are confronted with the idea, we are obsessed with the idea that the Romig Case is a part of the Bible, but here, the Supreme Court tells you it is not reasonable to pay a man more than he earns and that is what was done in the Romig Case, because the question was not taken properly to the Supreme Court and every lawyer knows that it should have been on the idea of reasonableness, to come under these words of Justice Maxey.

Justice Maxey in his opinion on page eleven says as follows:

> "Plaintiffs contend that during the 1st, 2nd, 3rd and 4th years of the operation of Acts Nos. 323 and 552, the cost to the anthractie industry of Pennsylvania will be, respectively, $14,360,000, $16,880,000, $19,400,000 and $21,920,000. It is said that the cost to this industry in 1937 before the passage of the challenged acts was $2,600,000. Plaintiffs in their brief declare as follows: Stated differently, under the Workmen's Compensation Act of 1915, as amended prior to 1937, the cost of Workmen's compensation to the anthracite industry for the 4 years beginning with 1938 would have been $10,400,000; but under Acts Nos. 323 and 552 it would be $39,080,000. Of this amount the employers would be obliged to pay at least $26,516,000."

Under those figures if the old act had prevailed in the four years prior to 1938, it would have been $19,400,000, but under this act which has been so highly lauded, under this act which has been used as an example of the very finest craftsmanship—and by the way, Mr. Speaker, who wrote it, who sponsored it, who put in those unconstitutional provisions, who defended on the floor of this House the unconstitutional provisions, the unreasonable provisions? The gentleman from York and the gentleman from Allegheny County, if you please. Not only that, they advocated an act that would have cost twice as much, and instead of being $39,000,000 as against $19,000,000, it would have been $40,000,000 or $50,000,000 as against $19,000,000.

They contend it is not right for a man to specialize and learn something about the Workmen's Compensation Law. They would point a finger of scorn at a man who dislikes to get up before an audience and bear the burden of a fight like this, but in that, ladies and gentlemen of the House, I have the support of the Supreme Court, and no doubt the gentleman from York, who has been in the habit of pointing his finger at the Supreme Court, will do so now. That's alright. I want to say to the Speaker of this House and to the members of this House if they were in good faith they would have known about this decision, forty-seven pages in length, they would have read it. It is not fair to get up here in the Hall of this House and criticize the gentleman from Jefferson without reading the decision of the Supreme Court. The Supreme Court filed an opinion a little later, adding two sections which made eight sections unconstitutional. For information of the House, I will read those eight particular sections.

1. Section 203 of the 1937 act, which made employers' liable to pay for injuries of sub-contractors' employes "whether said injury occurred upon the premises occupied or controlled by the employer or not." Reason: The Constitution "does not authorize acts which would provide compensation from Employer A to employes of Employer B."

2. Section 301 (b) of the 1937 law, which provided that "violation of any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury" shall not affect the employe's "right to receive compensation". Reason: "Any employe who is injured while violating a law or rule or regulation of the industry is not injured 'in the course of employment,' "

3. Part of Section 8 of the Occupational Disease Act of 1937, and

4. Section 201 (a) of the 1938 Workmen's Compensation amendment, which impose a presumption of negligence upon the employer and deprive him of usual defenses of common law, when the claim takes the form of a damage suit in court instead of of action under the compensation law. Reasons: They violate the Pennsylvania Bill of Rights and the 14th Amendment (due process) to the U. S. Constitution because they have "no logical or reasonable basis"; are "arbitrary and invalid"; and "attempt to make conjecture serve as proof."

5. Section 201 (b) of the 1938 Compensation amendment, which provides any "declarations, remarks or utterances made by the injured employes within 12 hours after the injury" shall be admissible as "competent evidence" in damage suits. Reasons: The statements need not be made under oath and are not subject to cross-examination; the provision lacks uniformity and impartiality because it does not apply to any damage actions except those brought by injured employes, and opens the door to "loose hearsay evidence" for the benefit of one party but not of the other and "denies equal protection of the law."

6. Part of Section 437 of the 1937 act, which authorized a lay member of a labor union to represent a claimant in litigating his claim. Reason: It violates previous decisions and the Attorney General conceded this provision to be invalid.

7. Section 502, placing upon "all employers" or their insurance carriers the total cost of administering the Compensation Act and the Industrial Rehabilitation Act. Reason: The compensation system is elective, but employers who elect not to operate under the act also are charged costs, which violates the Constitution by

"taking money from one individual and giving it to another, or using it for another's benefit"; and the assessment of costs is a tax upon employers and as such, is an improper delegation of taxing power to the department.

8. Section 321, which creates a "second injury fund" and requires employers of their insurance companies to pay into the fund $1,500 for each fatal accident to any employe who leaves no dependent to collect the death benefits. Reason: The required payment is a tax "in violation of our equal protection and reasonable classification provisions" by imposing "a flat levy on one group of employers from which all other employers are excluded."

Following the action of the Supreme Court, it was sent back to the lower court for the purpose of finding out whether or not the entire act was reasonable. Then they tell you in that opinion and show you it is not reasonable, therefore the gentleman from Jefferson was put in an embarrassing position of being compelled against his will, if you please, Mr. Speaker, and you know it is true, of sitting down and preparing an act that would stand the test of constitutionality. The finger of scorn is now pointed at me by the gentleman from Cambria with sarcasm, which is all right. I take it in fun because the gentleman is not expected to know anything about this act, and the gentleman from Washington, Dr. Hindman, is just the same, and I wonder if the gentleman from York is in the same position too; he ought not be.

Mr. Speaker, it is unfortunate indeed, there is nothing personal intended, really I have great admiration for the gentleman from York. There isn't a man who served with him for two sessions but who knows he is a very astute lawyer. No man, could have conducted a hearing in the manner in which he did so successfully if it had not been that he was brilliant. A man so brilliant that he could do all that, how could he argue and tell you nothing about the Supreme Court decision? A man who has all those qualifications at his finger tips, a man who has all of his accomplishments, so that all the people know him and admire him for his ability, alas, many of us are wondering how a man so brilliant could make statements such as that.

POINT OF ORDER

Mr. MORAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. MORAN. Mr. Speaker, the gentleman is not talking on the bill before the House.

The SPEAKER. The gentleman from Jefferson will confine his remarks to the subject before the House.

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from York will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, the rules of the House prevent advertising or hawking on the floor and if the gentleman from Jefferson persists in advertising my legal attainments I feel sure he should mention that my office address is No. 124 East Market Street, York. Pennsylvania.

The SPEAKER. The Chair will state to the gentleman from York that having sat through the 1935 and 1937 sessions with the gentleman from York, during which the gentleman from York and the Speaker were on the floor talking a great deal, that the gentleman from Jefferson is not advertising the gentleman from York; he is boasting a bit about him.

Mr. WILSON. Mr. Speaker and members of the House, I have taken up much of the time of the House, and when I boast about the gentleman from York I mean every word of it. He is a gentleman of ability, there is no question about that, and what I am complaining about is that when a man of his ability takes the wrong tact, and forgets to tell you the things that he should tell you he becomes very dangerous, because there is a man who can wield influence, there is a man who can dodge the issue, there is a man who can follow the instructions of those above him for political purposes.

The SPEAKER. The Chair would admonish the gentleman from Jefferson that the Rules of the House prevent hawking and advertising but do not prevent boasting. There are, however, some Rules of the House, that do prevent certain reference to members of the House. The gentleman will proceed.

Mr. WILSON. Mr. Speaker, there is another thought that has been injected into this discussion, getting back to second reading. The plea of not knowing what the bill contained and no time to analyze it. I want to say the bill was introduced a month ago. It is easy to understand. I claim it is within the knowledge of many members of the House and within the knowledge of certain members of the Press; all its provisions are well understood. The Press took an interest in it, inquired and got the information.

I hold in my hand two sheets of paper prepared by a member of the press who, with all of his other work, was interested, and he really had plenty of work—I am not advertising him or hawking, because I will not mention his name—but he gave me a comparison and here it is. It would have been very easy to have inquired of him. Can anybody say that a man paid by the week, paid by the month, paid by the year, where he gets a definite salary, is not very much better off under this act than he was under the old act prior to 1937? It is strange! The same thing will apply to the debate on the employe, if he earns it he gets it, if he doesn't earn it, he doesn't get it, the Supreme Court has said.

Now, members, I could go on talking all night, but you do not want me to do so, I am sure. It is up to you people to say. In the course of the debate, the point has been raised: Do you feel that the gentleman from Jefferson is entitled to a vote on this bill? I want to say that I am in general practice, I have three offices. I take claims against employers as well as for them. I receive a salary from one company but I do not have one dollar of stock in it, and that company is not under the act, they have rejected the act because it is intolerable. They tried it and they found out they could not do it. They disregarded my advice. Mr. Speaker, I am not interested in a single dollars of investment at the present time that has has nothing to do with this act. I am fulfilling the duties that were laid at my door when I was appointed Chairman of the Workmen's Compensation Committees, and that is the truth, and every man here who wants can inquire and find out. I am saying you can do as you please, it does not interest me any more than I have

tried to do my duty. Reject this act if you want to, but before you do you really should have read these rates prepared by a member of the Press some three weeks ago, accepted and adopted by me, and my thanks go out to the gentleman.

This is the comparison:

COMPARISON OF SCHEDULE OF WORKMEN'S COMPENSATION PAYMENTS

	Old Act	1937 Law	Wilson Bill (HR 1030)
Weekly maximum	$15.00	$18.00	$18.00
Weekly minimum	$7.00; or full wages if less than $7.00 a week	$12.00 absolute minimum	$9.00; or full wages if less than $9.00 a week
Greatest period	500 weeks, except to children under six	Life for permanent total disability or unremarried widows	500 weeks, except to children under six
Highest per cent of wages	65%	65%	66 2/3%
Largest amount	$6,500 (total disability)	No limit	$7,500 (total disability)
Uncompensated waiting period	Seven days	Seven days (applies only if less than four weeks' disability)	Seven days

COMPENSATION FOR INJURIES
(Section 306)

TOTAL DISABILITY			
Maximum duration of payments	500 weeks	500 weeks; $30.00 a month thereafter if disability permanent	500 weeks
Per cent of wages	65%	65%	66-2/3%
Maximum payment	$6,500.00	No limit	$7,500.00
PARTIAL DISABILITY (Except permanent injuries)			
Per cent of wages	65% of difference between previous wage and earning power thereafter	65% of difference between previous wage and earning power thereafter	66-2/3% of difference between previous wage and earning power thereafter
Weekly maximum	$15.00	$18.00	$15.00
Duration of payment	300 weeks	400 weeks	300 weeks
PERMANENT INJURIES			
Per cent of wages	65%	65%	66-2/3%
Duration of payment and maximum compensation			
For loss of			
Hand	175 weeks $2,625.00	200 weeks $3,600.00	175 weeks $3,150.00
Arm	215 weeks $3,225.00	265 weeks $4,770.00	215 weeks $3,870.00
Foot	150 weeks $2,250.00	175 weeks $3,150.00	150 weeks $2,700.00
Leg	215 weeks $3,225.00	250 weeks $4,500.00	215 weeks $3,870.00
Eye	125 weeks $1,875.00	200 weeks $3,600.00	125 weeks $2,250.00
Hearing—1 ear	....	40 weeks $720.00	....
Hearing—2 ears	....	150 weeks $2,700.00	150 weeks $2,700.00
Thumb	60 weeks $900.00	75 weeks $1,350.00	60 weeks $1,080.00
Index finger	35 weeks $525.00	50 weeks $900.00	35 weeks $630.00
Second finger	30 weeks $450.00	40 weeks $720.00	30 weeks $540.00
Third finger	20 weeks $300.00	20 weeks $360.00	20 weeks $360.00
Little finger	15 weeks $225.00	15 weeks $270.00	15 weeks $270.00
Great toe	....	60 weeks $1,080.00	....
First toe	....	35 weeks $630.00	....
Second toe	....	30 weeks $540.00	....
For disfigurement of	Head or face	Head, face or neck	Head or face
Maximum compensation	150 weeks $2,250.00	200 weeks $3,600.00	150 weeks $2,700.00
MEDICAL AND HOSPITAL			
Includes	Surgical and medical service, hospital treatment, medicines and supplies	Adds dental and nursing services, artificial appliances, and physician of employe's choice	Removes extras of 1937 Law, limiting services to those provided in old act
Waiting period	None	None	None
Duration	30 days	Three months, or longer if ordered by board	60 days
Maximum payment	$100 plus hospital costs	$200.00, plus cost of hospital and artificial appliances	$150 plus hospital costs
HERNIA	Compensation limited to cases where accident can be proved as cause	No restriction	Restores "old act's" rule
SECOND INJURIES	No separate provision	Extra payments	No separate provision

COMPENSATION FOR DEATH
(Section 307)

	Old Act		1937 Law		Wilson Bill (HR 1030)	
BURIAL ALLOWANCE	$150.00		$200.00		$200.00	
WAGE BASIS FOR DEATH COMPENSATION						
Maximum wage	$24.00		No limit		$27.00	
Minimum wage	$12.00		$18.50		$15.00	
COMPENSATION PAYABLE (Per cent of weekly wage, and maximum payment per week)						
Children (without widow or widower)						
One child	....	.....	....	.....	25%	$6.00
Two children	....	.....	....	.....	35%	$9.00
One or two children	33%	$7.50	30%	$12.00	....	.....
Three children	44%	$10.00	45%	$14.00	45%	$11.50
Four children	55%	$12.50	60%	$16.00	55%	$14.00
Five children	62½%	$14.00	65%	$18.00	62½%	$16.50
Six or more children	65%	$15.00	65%	$18.00	66-2/3%	$18.00
Widow or widower and						
No children	44%	$10.00	44%	$12.00	44%	$11.00
One child	55%	$12.50	59%	$15.00	53%	$13.50
Two children	62½%	$14.00	65%	$16.00	62½%	$16.00
Three or more children	65%	$15.00	65%	$18.00	66-2/3%	$18.00
Parents (if no widow, widower or children)						
If partly dependent	25%	$5.00	25%*	$10.00	25%	$5.00
If totally dependent	45%	$10.00	45%*	$15.00	45%	$10.00
Dependent brothers and sisters (if no parents, widower, widow or children)						
One brother or sister	15%		15%*		15%	
Two brothers or sisters	20%		20%*		20%	
Three or more brothers or sisters	25%		25%*		25%	
No dependents	No payment		$1,500 paid to second injury fund		No payment	
MAXIMUM PERIOD OF PAYMENTS						
Widower (while incapable of self-support and not remarried)	300 weeks		500 weeks.		300 weeks	
Widow (if not remarried)	300 weeks		500 weeks, then $5.00 a week for life		300 weeks	
Widow (after remarriage)	One-third of remaining period		Two years from marriage date		One-third of remaining period	
Dependent parents	300 weeks		50 weeks		300 weeks	
Dependent brothers and sisters	Until 16		Until 18; but if disabled, until 21		Until 16	
Children, at above rates for	300 weeks, then until 16 at these rates		500 weeks, then until 18 (if disabled, 21) at these rates		300 weeks, then until 16 at these rates	
One child	17½%	$3.75	25%	$5.00	17½%	$4.00
Two children	27½%	$6.00	35%	$8.00	27½%	$6.50
Three children	38½%	$8.75	50%	$10.00	38½%	$9.00
Four children	50%	$11.25	75%	$15.00	50%	$11.50
Five children	55%	$12.50	75%	$15.00	55%	$12.75
Six children or more	60%	$13.75	75%	$15.00	60%	$14.00

(*Note—1937 Law grants aid to these dependents also, if the combined payments to preferred dependents named above were less than the $18.00 maximum.)

I say, Mr. Speaker, and members of the House, no man on either side of the House, no man or woman without reading the Supreme Court decision, without reading the rates prescribed by the rating beureau, without reading the Dent report, should vote against this bill. Vote "yes" if you want the bill. If you do not want it why didn't you prepare one and advocate it? Do you want a bill? The Supreme Court kicked the 1937 act out the window.

The Supreme Court kicked it out the window just as sure as you are siting in those chairs and the gentleman from York knows it. Now then I had to prepare a law that was a little bit better than the act prior to the act of 1937 in an effort to bring many thousands of employees back under the act, because I understand we have only about two-thirds the number of accidents where the act of 1937 was rejected than we had while operating under any compensation law. You see what that means. Under rejection the employer is not responsible and employees

become much more careful immediately. I am sure, Mr. Speaker, with this bill, which they say is so iniquitous and which takes all the rights of the people away, it will still have enough sugar and honey in it to get those people who rejected the act to come back under it. I am sure that the 200,000 employees that are under no act at all by reason of rejection will be brought back under compensation. I am going to leave it to the House. If the House passes it and it goes to the Senate, let the Senate take it up. I will refer them to Justice Maxey's opinion; I will refer them to the rates set forth by the Rating Bureau's books; I will refer them to the Dent report; I will refer them to the 200,000 people who are not under the act on account of rejection. There are probably twice that number not under any act beause they are not paying any attention to it. I will refer them to the people who are spending hundreds of thousands of dollars for litigation.

Mr. Speaker and members of the House, just one more thing and I am done. I want you to know that I could go on talking until tomorrow morning. Under the present act, if you call it the present act, that is, under the act of 1937, there were so many uncertainties with regard to the cases that were close to the line, that it was necessary for the referees on the boards to decide them. That will not be true under House Bill 1030. There are provisions in it to make it plain. The principal things that have been complained about only apply to about five per cent of the cases, the close cases, the unjust cases, and cases of that character—they could not possibly apply to the proper claims.

Mr. Speaker, are you satisfied that I mean what I say? Are you satisfied that I am in earnest? Are you satisfied that at least I am telling the truth? Are you willing to trust me or do you want to go on refusing to do it like they did in 1935 and 1937? Choose your road, gentlemen, it will be all the same to me. I thank you.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, not for one moment have I ever doubted the sincerity of the gentleman who has just preceded me. Irrespective of what the gentleman might say, I feel sure that were he to search the records of the 1935 and 1937 sessions, he would not find one occasion on my part where I ever doubted either his sincerity or his competency.

However, Mr. Speaker, the gentleman from Jefferson approaches the subject with a different philosophical attitude. The gentleman from Jefferson is confused as to the applicable philosophy in this particular instance. I feel that the workmen's compensation payments are a social obligation placed upon industry. Industry must bear that obligation, and if industry cannot bear the obligation, then there is something wrong with industry. There is no reason why inadequate payments to workers should be subsidized from the Commonwealth's Treasury. If a particular industry cannot meet its obligations then there must be something wrong with that industry, and the social by-products of that industry should not be imposed upon the general taxpayers of the Commonwealth.

Further, workmen's compensation and the degree of payments under the Workmen's Compensation act has had a decided beneficial effect in the number of accidents, as the gentleman from Jefferson himself has indicated on the floor of this House. I realize no employer, no industry could have within its treasury sufficient funds to compensate a man for the loss of an arm, or a leg, or an eye. I realize that no industry in the Commonwealth of Pennsylvania could go into its coffers and find sufficient money to replace a husband or a father. I realize there are limitations that must be thrown around the act, and I further realize when you increase the payments, those who sustain industrial injury are not social charges on the community, and by that same token you will accomplish for the people of the Commonwealth of Pennsylvania the greatest service under the Workmen's Compensation Act, because thereby you reduce industrial accidents.

The gentleman from Jefferson testified that since the 1937 act has been in force industrial accidents have decreased thirty-three and one third per cent. I say to those who have not lost their lives, to those who have not lost their arms, to those who have not lost their eye-sight, that that is because the act of 1937 was in effect, and by that token we have accomplished more for industry, more for the Commonwealth of Pennsylvania, than we accomplished by increasing the actual monetary award. It is all a difference in philosophy. I know that possibly two hundred thousand workers are employed in industries that have rejected the act, but what about the two million workers in Pennsylvania who are protected by this act? Should they be cast into a situation again where industrial accidents will increase 50 per cent? Should they be cast into a situation again whereby they must become recipients of relief? Should they again be cast into the situation that the gentleman from Jefferson advocates, and that you men will advocate by your pronounced vote, whereby the limitations of the Romig decision will again be put into force and effect? We say on account of the economic situation, a man who is perfectly willing, able, desirous and capable of working five and a half, six or seven days a week, and can only work one day a week when he loses his arm, or his legs, he is compensated on a rate basis of one day a week, or fifty-seven cents for the week. We say to you men, as the gentleman from Jefferson has written into the act on pages 36, 37 and 38, that because of the unfortunate economic situation, because of seasonal employment characteristic in so many industries, that an individual, while willing to work and only able to secure work for a limited time, has his compensation based upon the actual wage he received and not on the wage that he is capable of earning, and not on the wage that he would have earned in the same industry under more favorable and economic conditions. Men, you cannot pull yourselves up by your boot straps. You cannot in one sentence bemoan the fact of increased relief rolls, increased hospitalizations increased impoverishment in the homes, you cannot cry about that on one hand and then on the other hand enact a law that those who are willing to work are placed smack right back onto the relief rolls, on account of an accident in industry. You cannot do that. You cannot cure our economic ills by placing again into our economic society a malignant cancer to eat away at the foundation of industrial life; you cannot do it because as sure as night follows day relief rolls increase, assistance to dependent mothers increases as soon as you do it. Orphan children are put smack on relief rolls. Industry that cannot pay its way must find ways and means to do

so without subsidation from the Treasury of the Commonwealth.

I say to you that the comparison is not with the act of 1915, the comparison is not with the picayune increases that were made for a period of a few years after 1915. Men, the idea of this Assembly should be to reach the Utopia, whereby those injured in industry and unable to take their place in society are paid their way by those who caused the injuries, and if you don't do that right in this Commonwealth you are going to have the situation of men being injured going off of workmen's compensation on relief as soon as their payments stop. You are going to find men injured in industry getting fifty-seven cents a week for the loss of a member, and then immediately going on the relief rolls. You are going to find these same people who are complaining about high compensation rates, complaining about taxes necessary to maintain the relief rolls. Why? Because this act in its entirety is not an actual representation of the needs and requirements of the people of our Commonwealth.

I am going to give you one outstanding example, and this example is characteristic of the entire bill, from page 1 to page 81. I don't know how many employees there are in the Commonwealth employed in services from which they receive the major part of their salary in the form of gratuities. Every waitress that serves your meals depends upon gratuities; every boy that shines your shoes depends upon gratuities. Take away those gratuities and the salaries that great group of servants in the Commonwealth receives amounts to a mere pittance. Still on page 38 of this bill, we are told in determining the wage of individuals that gratuities are not to be considered as a wage. Women who work in the majority of the hotels receive a negligible salary, possibly one or two or three dollars a week and if they are injured their compensation rate is based upon the salary they are paid by their employer, and the gratuity that is an important part of their wage is not considered in calculating the amount of compensation due.

I ask you, are you going to say to the thousands of waitresses and the thousands of employees in the Commonwealth of Pennsylvania, that upon the passage of this bill by your vote when one of these people is injured, all he shall receive is compensation based upon actual wages. If you do, you will not say anything different than is said in paragraph after paragraph, in section after section, of this entire bill. This bill is a fraud on the working men and women of the Commonwealth of Pennsylvania; this bill is a fraud on the employer of the Commonwealth. "They know not what they do."

Mr. LEVY. Mr. Speaker and members of the House, in the House of Representatives at the present time we have elected approximately one hundred and twenty-nine Republicans, and I tell you men on the other side of the House that the reason you were primarily elected to this body was on the basis of the promises made to the people of the Commonwealth. I wonder when your Governor and you men who were candidates for the General Assembly, traveling from one end of the state to the other, whether or not you promised the workers of Pennsylvania that you would reduce the time limit for compensable death from five hundred to three hundred weeks after the accident. I wonder if when you gentlemen on the other side of the House were campaigning during the last election, you promised the workers of Pennsylvania that you would make possible self insurance, that you would abolish annual fees for self-insurance. I wonder if Bill No. 1030 embraces the fact as to whether or not you promised the people of Pennsylvania that you would abolish the penalty for fraudulent statements to the Department by employers. I wonder, members of the House, whether the Republican majority made those promises to the people. On the written record of the campaign we find no such promises, and all during the campaign the Governor of the Commonwealth, the members on the ticket who ran along side of him, all the way down to the candidates for the General Assembly, never made any statement of those views with reference to the 1937 act regarding workmen's compensation, except in two instances. We have in the final week of October 1938 the Governor speaking in South Philadelphia and at that time he spoke before an audience of twenty-five hundred workers.

He said, "I will be fair to the working people in the Commonwealth of Pennsylvania." He didn't say anything about House Bill No. 1030 that rips down the very liberal structure of the 1937 Act of Assembly.

Then from Philadelphia he journeyed to Washington County and in Washington County he had this to say about the Workmen's Compensation Act. He said in the Workmen's Compensation Act there was one joker nothing else about any part of the bill but one joker. This is what he said to the miners in Washington County. I quote the Governor:

" 'Either through the haste with which these laws were drafted and passed,' he asserted, 'or for other reasons, the purposes of these laws were defeated by jokers, about which the little New Dealers have not done much boasting.

" 'This act bars from occupational disease compensation the largest single body of workmen in the State of Pennsylvania, the coal miners of the anthracite and bituminous fields. That affects more than 2,000,000 people, about one-fifth of our population, in the key industry of the State.

" 'There is one great scourge in the mine fields, the terror of those who spend their days in the mine shafts and headings, and the never forgotten dread of the women and children who see their fathers, sweethearts, children and husbands leave for work.

Causes Lingering Death

" 'That scourge is miners' asthma, medically known as anthracosis. It is caused by breathing into the lungs, during long periods of time, the fine dust of coal. It condemns the victim to a long period of invalidism and a lingering death.

" 'Under the new act the right to claim compensation for miners' asthma must be based not on breathing coal dust, but on breathing sand dust. The act specifies the chemical name of the material so that there may be no loophole for the miners—and the name specified is silicon dioxide, which is quartz. Quartz is sand.

" 'So far as coal miners are concerned, either in the anthracite or the bituminous field, it is well-nigh impossible for him to claim compensation on that basis. Sandstones and quartzites and conglomerates do exist in connection with both hard and soft coal veins, but they are the problem of the so-called "rock" men—who form but a small fraction of a per cent compared with the number of coal miners who never come into contact with these rocks in such a way

that they could prove they had breathed dust from them.' "

From my study of House Bill No. 1030 and the correlated bills which follow, nothing was put into the act but everything was taken out of the act.

In House Bill 1401, introduced by the gentleman from Jefferson, Mr. Wilson, he lists a number of occupational diseases taken care of in the act, and listed in it is this promise of the Governor and the Republican party to the people of the Commonwealth.

I say to you Republican members of the House, the gentleman from Jefferson has said on this floor that at the present time there is an accusing finger on him. I wish to assure the gentleman from Jefferson that after tonight, the accusing finger will not be placed on the gentleman from Jefferson, but the finger of the distressed men and women of the Commonwealth after the passage of this act will be placed on the entire membership of the Republican party and the Republican leadership in this House. I thank you.

Mr. SKALE. Mr. Speaker and members of the House, I realize that much has been said before this and I do not propose to take very much of your time, but with your kind indulgence I desire at this time to point out my objections to this act.

Under this bill at the present time it requires that when a petition is filed to terminate compensation, compensation shall actually end and no further payments will be paid to the injured employee. Let me point out where this is a hardship on employes who have been injured in the course of their employment. I know several cases where the employes received total permanent disability and after several months of payments, the employer filed a petition to terminate the compensation. This was under the act prior to 1937, and immediately the compensation payments stopped. That wage earner, that head of the family, that man who put forth his heart and soul on behalf of his employer, who was injured on behalf of his employer, was unable to obtain any further income for his family. The result was as previously pointed out by the gentleman from York, it required that that family go on relief. Under the act of 1937, the employer upon filing this petition for termination of compensation, still continued and was compelled to pay compensation until the matter was finally determined. I feel that is the proper, just and equitable procedure in such a case. Furthermore, members of the House, it has always been the practice where an impartial medical expert is appointed by the referee or by the board of review, the cost of the medical examination was borne by the employer. Under the pending bill the cost of such medical expert in the event the employee should lose his award or his case, the cost is assessed on him.

Mr. Speaker and members of the House, I come from a district which is predominately composed of and inhabited by workers. I myself during my younger days worked in a factory. I know the hazards and the dangers to which the working men in some respects are exposed and I feel that under this bill the working man is greatly exposed to danger and hazards without proper protection to himself and to his family.

The present Governor of this Commonwealth, it is true, concurred in the Romig Decision, the destructive effect of which we know was overruled by the Supreme Court.

The gentleman from Jefferson, Mr. Wilson, refers to the opinion written by Justice Maxey and indicates that that opinion was concurred in by the other members of the Supreme Court. I do not have to tell you what the record of Justice Maxey is when it comes to matters of this sort.

The Republican party places itself in the position of an Indian-giver, it increases to some extent disability payments from sixty-five to sixty-six and two thirds percent, but on the other hand it takes away the beneficial effects under the 1937 act. For example, on page twenty-two of this bill, if you will read it, you will see the changes made in the 1937 law. Under the 1937 law an amputation between the wrist and the knuckle is equivalent to the loss of the hand, but under this act that is attempted to be changed so that the amputation must be between the elbow and the wrist before it can be called the loss of a hand. Further, under the 1937 law an amputation between the toes and the ankle is equivalent to the loss of a foot. This bill eliminates the toes entirely, and provides that an amputation between the knee and the ankle is considered as the equivalent of the loss of a foot. In other words, the loss of the toes is eliminated entirely and no compensation is paid. At the present time under the act of 1937 amputation above the wrist is equivalent to the loss of an arm. Under this bill it provides that an amputation at or above the elbow should be the equivalent of the loss of an arm.

Members of the House, I believe compensation should be reasonable and adequate. I think it should not be a mere hand-out to those men and women who are providers for their families, men who work in the mill, in the factory or on the farm, who go out and earn a living for their families, men who give their life, their health for their employers, they certainly should be protected adequately and reasonably by their employers. This bill certainly reduces the payments to such men and women who are injured in the course of their employment and for and on behalf of their employer's interests, certainly this bill does not properly and adequately protect them.

I sincerely hope that the members in the majority will consider these facts because when you leave this House you will certainly be confronted by these people, your constituents who helped to elect you, and I can assure you they will not be satisfied with the passage of this kind of legislation.

Mr. CHRISTLER. Mr. Speaker and members of the House, when I came down to Harrisburg to help inaugurate Governor James, I heard a number of miners on the street corner singing the following song:

"My sweetheart's a mule in the mine
On welfare I sit and tobacco I spit
But my sweetheart's a mule in the mine."

Gentlemen, those miners voted for Governor James in the hope of being sent back to work. I was elected on the same ticket as Governor James and while these speeches were being made, I thought of those miners, and it has given me renewed determination to vote for this act because it will probably start up some of the mines. I haven't heard any of the opposition argue this point at all, that the adoption of this act will have a

tendency to start up the mines, and after all, that is what we want to do, restore jobs to the people, jobs in industry. I happen to represent what once was a very large coal company in the western part of Pennsylvania. Three of their mines in West Virginia are working for the one reason, and the principal reason, that their workmen's compensation laws are less drastic. While I was back home I asked the operator what was the principal thing that could be done for the coal industry and he said, "We ought to have a new compensation act". So in the interest of these singing miners who wish an opportunity to go back to work and get off the welfare, I am going to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—109

Ackermann,	Ewing,	Leydic,	Shearer,
Alspach,	Fisher,	Lichtenwalter,	Simons,
Atkins,	Fiss,	Lyons,	Sloan,
Balliet,	Fleming,	Marr,	Snyder,
Bardes,	Foor,	Matthews,	Stambaugh,
Bennett,	Freed,	McClester,	Stewart,
Boorse,	Gillan,	McKinney,	Stockham,
Bower,	Gillette,	McNally,	Sweeney,
Boyd,	Habbyshaw,	McVay,	Tahl,
Bretherick,	Haines,	Montgomery,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Boose,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G.R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hewitt,	Peale,	Trout,
Carpenter,	Hocke,	Reagan,	VanAllsburg,
Christler,	Hoyt,	Reese, D. P.,	Voorhees,
Clark,	Huntley,	Rhodes,	Webster.
Clearwater,	Imbrie,	Riley	Wilkinson,
Cook,	James,	Robertson,	Wilson,
Cooper,	Johnston,	Rose,	Winner,
Cordier,	Jones,	Roseberry,	Wood, H. M.,
Cortese,	Kane,	Royer,	Wood, L. H.,
Curran,	Knoble,	Sarge,	Wood, N.,
Dick,	Krise,	Schrock,	Woodside,
Dix,	Lee,	Self,	Yeakel,
Donahue,	Leisey,	Serrill,	Turner,
Ely,			Speaker.

NAYS—61

Andrews,	Fauset,	Malloy,	Rothenberger,
Baker,	Furman,	McLane,	Sarraf,
Balthaser,	Gates,	Melchiorre,	Schrope,
Bohn,	Hess,	Moran,	Schwab,
Boney,	Hindman,	Munley,	Skale,
Brancato,	Hoffman, S. K.,	O'Connor,	Stank,
Broad,	Holland,	O'Keefe,	Tarr,
Burns,	Keenan,	O'Neill,	Tronzo,
Check,	Kenehan	Peacock,	Wagner,
Chervenak,	Kilroy,	Preston,	Watkins,
Cohen, H. B.,	Kline,	Readinger,	Weiss,
Cohen, R. E.,	Kowalski,	Reese, R. E.	Welsh, E. B.,
Corrigan,	Levy,	Regan,	Welsh, M. J.,
DeNote,	Long,	Rider,	Westrick,
Downey,	Lovett,	Rooney,	Williams,
Falkenstein,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. Gates filed the following reason for his vote on House Bills Nos. 1030, 1031, 1302, 1401:

I am voting "no" on House Bills Nos. 1030, 1031, 1032, for the following reason:

I voted to have a public hearing on these bills because they are the most important measures affecting the men and women of my state who earn their living by the sweat of their brow and indirectly affect the children of the workers—the privilege of a public hearing was voted down with the statement that when the bills passed the House the Senate would then grant a public hearing. If Senators should have these measures discussed pro and con by both Industry and Labor I personally think we should have had the same opportunity so we could have voted with the greatest degree of intelligence.

STATEMENT BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to make the following statement.

Mr. Speaker and members of the House, I recognize a monumental achievement even though I may not be in thorough accord with the plan of the architect.

The drafting of these compensation laws, the bills upon which the House has passed, is a monumental achievement in draftsmanship. The address made tonight by my neighbor, the gentleman from Jefferson, was one of the soundest and one of the best parliamentary deliverances that I have heard upon this floor in twenty years. While the gentleman from Jefferson did not convince me concerning the position he took, I do want to say that I have never at any time doubted his sincerity. I realize the fact that for thirty years he has been working year by year towards this point where this House would pass a bill defining and outlining the compensation laws drafted by him.

The SPEAKER. On behalf of the gentleman from Jefferson the Chair thanks the gentleman from Cambria for his very gracious statement.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1031, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred thirty-seven (P. L. 2714) entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions, and procedure related to such diseases; and making an appropriation."

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—109

Ackermann,	Ewing,	Leydic,	Shearer,
Alspach,	Fisher,	Lichtenwalter,	Simons,
Atkins,	Fiss,	Lyons,	Sloan,
Balliet,	Fleming,	Marr,	Snyder,
Bardes,	Foor,	Matthews,	Stambaugh,

Bennett,	Freed,	McClester,	Stewart,
Boorse,	Gillan,	McKinney,	Stockham,
Boose,	Gillette,	McNally,	Sweeney,
Bower,	Habbyshaw,	McVay,	Tahl,
Boyd,	Haines,	Montgomery,	Taylor,
Bretherick,	Hall,	Moser, F. S.,	Terry,
Bronson,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hewitt,	Peale,	Trout,
Carpenter,	Hocke,	Reagan,	VanAllsburg,
Christler,	Hoyt,	Reese, D. P.,	Voorhees,
Clark,	Huntley,	Rhodes,	Webster,
Clearwater,	Imbrie,	Riley,	Wilkinson,
Cook,	James,	Robertson,	Wilson,
Cooper,	Johnston,	Rose,	Winner,
Cordier,	Jones,	Roseberry,	Wood, H. M.,
Cortese,	Kane,	Royer,	Wood, L. H.,
Curran,	Knoble,	Sarge,	Wood, N.,
Dick,	Krise,	Schrock,	Woodside,
Dix,	Lee,	Seif,	Yeakel,
Donahue,	Leisey,	Serrill,	Turner,
Ely,			Speaker.

NAYS—62

Andrews,	Falkenstein,	Malloy,	Rothenberger,
Baker,	Fauset,	McLane,	Sarraf,
Balthaser,	Furman,	Melchiorre,	Schrope,
Bohn,	Gates,	Moran,	Schwab,
Boney,	Hess,	Munley,	Skale,
Brancato,	Hindman,	O'Connor,	Stank,
Broad,	Hoffman, S. K.,	O'Keefe,	Tarr,
Brown, H. S.,	Holland,	O'Neill,	Tronzo,
Burns,	Keenan,	Peacock,	Wagner,
Check,	Kenehan,	Preston,	Watkins,
Chervenak,	Kilroy,	Readinger,	Weiss,
Cohen, H. B.,	Kline,	Reese, R. E.	Welsh, E. B.,
Cohen, R. E.,	Kowalski,	Regan,	Welsh, M. J.,
Corrigan,	Levy,	Rider,	Westrick,
DeNote,	Long,	Rooney,	Williams,
Downey,	Lovett,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1301, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Alspach,	Falkenstein,	Long,	Scanlon,
Andrews,	Fauset,	Lovett,	Schrock,
Atkins,	Fisher,	Lyons,	Schrope,
Auker,	Fiss,	Madden,	Schwab,
Baker,	Flanagan,	Malloy,	Seif,
Balliet,	Fleming,	Malone,	Serrill,
Balthaser,	Foor,	Marr,	Shaw,
Bardes,	Freed,	Matthews,	Shearer,
Bennett,	Fullerton,	McClester,	Simons,
Bohn,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Downey,	Leisey,	Royer,	Turner,
Eckels,	Levy,	Sarge,	Speaker.
Ely,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1302, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended; to exempt domestic servants and agricultural workers from the provisions thereof, except in certain cases.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Alspach,	Falkenstein,	Long,	Scanlon,
Andrews,	Fauset,	Lovett,	Schrock,
Atkins,	Fisher,	Lyons,	Schrope,
Auker,	Fiss,	Madden,	Schwab,
Baker,	Flanagan,	Malloy,	Seif,
Balliet,	Fleming,	Malone,	Serrill,
Balthaser,	Foor,	Marr,	Shaw,
Bardes,	Freed,	Matthews,	Shearer,
Bennett,	Fullerton,	McClester,	Simons,
Bohn,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,

Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.	Taylor
Brown, S. W.,	Harkins,	Moser, J. L.	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G. R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	Van Allsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Downey,	Leisey,	Royer,	Turner,
Eckels,	Levy,	Sarge,	Speaker.
Ely,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1401, entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—118

Ackermann,	Ewing,	Leydic,	Shearer,
Alspach,	Fisher,	Lichtenwalter,	Simon,
Atkins,	Fiss,	Lyons,	Sloan,
Balliet,	Fleming,	Marr,	Snyder,
Bardes,	Foor,	Matthews,	Stambaugh,
Bennett,	Freed,	McClester,	Stewart,
Boorse,	Gillan,	McKinney,	Stockham,
Boose,	Gillette,	McNally,	Sweeney,
Bower,	Habbyshaw,	McVay,	Tahl,
Boyd,	Haines,	Montgomery,	Taylor,
Bretherick,	Hall,	Moser, F. S.,	Terry,
Bronson,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G. R.,
Brunner,	Haudenshield,	O'Dare,	Tiemann,
Cadwalader,	Henry,	Peale,	Trout,
Carpenter,	Hewitt,	Reagan,	VanAllsburg,
Christler,	Hocke,	Reese, D. P.,	Van Belle,
Clark,	Hoffman, J. N.,	Rhodes,	Voorhees,
Clearwater,	Hoyt,	Riley,	Webster,
Cook,	Huntley,	Robertson,	Wilkinson,
Cooper,	Imbrie,	Rose,	Wilson,
Cordier,	James,	Roseberry,	Winner,
Cortese,	Johnston,	Rothenberger,	Wood, H. M.,
Curran,	Jones,	Royer,	Wood, L. H.,
Dick,	Kane,	Sarge,	Wood, N.,
Dix,	Knoble,	Schrock,	Woodside,
Donahue,	Krise,	Self,	Yeakel,
Eckels,	Lee,	Serrill,	Turner,
Ely,	Leisey,		Speaker.

NAYS—62

Andrews,	Falkenstein,	Malloy,	Sarraf,
Baker,	Fauset,	McLane,	Scanlon,
Balthaser,	Furman,	Melchiorre,	Schrope,
Bohn,	Gates,	Moran,	Schwab,
Boney,	Hess,	Munley,	Skale,
Brancato,	Hindman,	O'Connor,	Stank,
Broad,	Hoffman, S. K.,	O'Keefe,	Tarr,
Brown, H. S.,	Holland,	O'Neill,	Tronzo,
Burns,	Keenan,	Peacock,	Wagner,
Check,	Kenehan,	Preston,	Watkins,
Chervenak,	Kilroy,	Readinger,	Weiss,
Cohen, H. B.,	Kline,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Kowalski,	Regan,	Welsh, M. J.,
Corrigan,	Levy,	Rider,	Westrick,
DeNote,	Long,	Rooney,	Williams,
Downey,	Lovett,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. WOODSIDE. Mr. Speaker, I move that the message from the Senate together with House Bill No. 317, which was laid upon the table be taken from the table.

The motion was agreed to.

The Clerk read the message as follows:

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 317.

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred eight) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for for a further limited period of time exempting title insurance companies and making certain changes in the procedure for the collection and adjustment of the tax

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, line 1, by inserting after the word "time" the words "changing the method of ascertaining the net income of insurance companies;" also line 2, by inserting after the word "changes" the words "in the method of ascertaining taxable net income and."

Amend Section 1, page 3, at the beginning of line 6, by inserting after the figure "1" and words "Short Title;" also page 4, line 21, by inserting after the word "corporation" the words "other than a corporation engaged in doing business as an insurance or surety company;" also page 6, line 17, by inserting a light-faced bracket before the word "owned"; also same line by inserting a light-faced bracket after the word "rented"; also same line by inserting after the word "rented" the word "maintained;" also same page, line 25, by striking out the words "owned or rented" and inserting in lieu thereof the word "maintained;" also page 7, line 1, by striking out the words "owned or rented" and inserting in lieu thereof the word "maintained;" also same page by inserting after line 15 the following new paragraphs:

"3 In case the entire business of any corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as shall be attributed to business transacted within this Commonwealth by multiplying such net income by a fraction of which the numerator is the gross premiums received from business transacted within the Commonwealth as hereinafter defined and of which the denominator is the amount of the gross premiums received from all its business "Gross Premiums" shall mean the amount of dues fees and premiums stated in the policy contracts and shall include gross premiums of every character and description received during the taxable year from all underwriting activities whether said premiums were received in money or in the form of notes credits or any other substitute for money less the following deductions

(a) All premiums returned on policies cancelled or not taken

(b) In the case of stock companies with participating features an additional deduction for that portion of the premiums returned to the policyholders

(c) In the case of life insurance companies an additional deduction for dividends declared and actually used by policyholders in payment of renewal premiums

"Gross premiums in payment from business received in the Commonwealth" shall mean gross premiums received from policies and annuities written on property or risks located or resident in this Commonwealth whether such premiums were collected in this Commonwealth or elsewhere."

Also page 11, line 19, by striking out the word "it" and inserting in lieu thereof the word "its"; also page 12, by striking out at the end of line 2 the word "the"; also same page, line 19, by striking out the word "and" and inserting in lieu thereof the word "an".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ewing,	Leydic,	Sarge,
Alspach,	Falkenstein,	Lichtenwalter,	Sarraf,
Andrews,	Fauset,	Long,	Scanlon,
Atkins,	Fisher,	Lovett,	Schrock,
Auker,	Fiss,	Lyons,	Schrope,
Baker,	Flanagan,	Madden,	Schwab,
Balliet,	Fleming,	Malloy,	Seif,
Balthaser,	Foor,	Malone,	Serrill,
Bardes,	Freed,	Marr,	Shaw,
Bennett,	Fullerton,	Matthews,	Shearer,
Bohn,	Furman,	McClester,	Simons,
Boney,	Gates,	McGarrity,	Skale,
Boorse,	Gillan,	McKinney,	Sloan,
Boorse,	Gillette,	McLane,	Snyder,
Bower,	Goll,	McNally,	Stambaugh,
Boyd,	Gorski,	McVay,	Stank,
Brancato,	Habbyshaw,	Melchiorre,	Stewart,
Bretherick,	Haines,	Mihm,	Stockham,
Broad,	Hall,	Montgomery,	Sweeney,
Bronson,	Hamilton,	Mooney,	Tahl,
Brown, H. S.,	Harbeson,	Moran,	Taylor,
Brown, S. W.,	Harkins,	Moser, F. S.,	Thistle,
Brunner,	Haudenshield,	Moser, J. L.	Thompson, G. R.,
Burns,	Henry,	Muir,	Tiemann,
Burris,	Hess,	Munley,	Tronzo,
Cadwalader,	Hewitt,	O'Connor,	Trout,
Calvin,	Hindman,	O'Dare,	VanAllsburg,
Carpenter,	Hocke,	O'Keefe,	Van Belle,
Check,	Hoffman, J. N.,	O'Neill,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peacock,	Wagner,
Christler,	Holland,	Peale,	Walsh,
Clark,	Hoyt,	Powers,	Watkins,
Clearwater,	Huntley,	Preston,	Webster,
Cohen, H. B.,	Imbrie,	Readinger,	Weiss,
Cohen, R. E.,	James,	Reagan,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Johnston,	Reese, R. E.	Westrick,
Cordier,	Jones,	Regan,	Wilkinson,
Corrigan,	Keenan,	Reynolds,	Williams,
Cortese,	Kenehan,	Rhodes,	Wilson,
Curran,	Kilroy,	Rider	Winner,
Dalrymple,	Kline,	Riley,	Wood, H. M.,
DeNote,	Knoble,	Robertson,	Wood, L. H.,
Dick,	Kowalski,	Rooney,	Wood, N.,
Dix,	Krise,	Rose,	Woodside,
Donahue,	Lee,	Roseberry,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker,
Ely,			

NAYS—0

The majority required by the Constintution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 318, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended by eliminating ground rents from list of taxable personal property, defining, clarifying and limiting certain exemptions, exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents, property held by trustees for certain

resident and nonresident religious, charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or non profit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

Mr. WOODSIDE. Mr. Speaker, I move that the House recede from its non-concurrence in the amendments made and insisted upon by the Senate, and concur in the amendments made by the Senate.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, the motion made by the gentleman from Dauphin provides for two actions on the part of this House. First, to recede from the amendments not concurred in, and second, to concur in the amendments inserted by the Senate. I rise to inquire whether the proper procedure would not be up to divide it into two motions.

The SPEAKER. The usual procedure is for the action to be put into one motion, because it requires a roll call. If the gentleman from York feels that the question should be divided, the question will be divided.

Mr. HERBERT B. COHEN. Mr. Speaker, I do not insist on a division of the question, I merely rise to inquire whether the question not being divided, would meet the Constitutional requirement and the Rules of the House in the passage of legislation. And the further question of whether or not some individuals might not take advantage of the fact that the proper procedure was not followed in the enactment of this particular type of legislation.

The SPEAKER. The Chair feels that there is no question as to constitutionality, but if the gentleman from York desires to have the question divided, the Chair will divide the question. The motion of the gentleman from Dauphin, Mr. Woodside, would then be that the House recede from its non-concurrence in the amendments inserted by the Senate.

Mr. WOODSIDE. Mr. Speaker, I suggest that the question be divided. I move that this House recede from its non-concurrence in the amendments made by the Senate to House Bill No. 318, Printer's 543.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, does the motion not require a seconder and must not the gentleman it, state that they voted with the majority.

The SPEAKER. For the information of the gentleman from York, this is not a motion to reconsider a vote. The who made the motion and the gentleman who seconded measure was returned to the Senate for further action, the Senate returned the measure to the House and the House is now taking the next step. The House may either insist upon its position in not concurring or it may recede. However, since the gentleman from York has raised the question, the Chair will ask that the motion be seconded. While the Chair does not believe that to be necessary, the Chair desires to give the gentleman from York every possible consideration.

Mr. HERBERT B. COHEN. Mr. Speaker, I am not asking for any consideration from the Chair. I am merely raising these points because I feel if this legislation is enacted it should not be susceptible to any question as to the procedure followed in the enactment of it.

The SPEAKER. The Chair is satisfied from the viewpoint of proper parliamentary procedure, and would state further that no one can go behind the record as far as that is concerned.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, we are now asked to recede from the position the House took last night relative to our nonconcurrence in the amendments presented by the Senate. Frankly, I see no reason why the House should so recede.

Since last night I have had an opportunity to read at length the dissenting opinion of Justice Maxey, as well as the opinion of the majority of the Supreme Court. I believe that in this particular instance Justice Maxey possibly was right. I feel sure he is more correct in this instance than he was in his decision on the Workmen's Compensation Act, and if the majority of the House felt that the Justice was correct in his opinion on the Workmen's Compensation Law, surely you would not leave such an eminent jurist high and dry in his opinion on the particular situation now under discussion by the House.

It will be argued to you that it does not make any difference what this body does because the Personal Property Tax Act is by itself an invitation for the flight of capital from the Commonwealth of Pennsylvania. It will be maintained and possibly has been so maintained, since the display of initiative on the part of the majority last night, that the particular reasons for that vote are not tenable and it will be represented that by this particular enactment the inclusion in the act of the amendments inserted by this House nothing is going to be attained. I say to you gentlemen that something definite may be attained by seeing to it that the particular amendments referred to are maintained in our act. If we enact the four mills personal property tax in the form that is being recommended to us by the Senate, ipso facto, as soon as the act is signed by the Governor, every trust that has ever been established in the Commonwealth of Pennsylvania with a trustee residing outside the Commonwealth will be relieved from the payment of the four mills personal property tax to the State and the four mills personal property tax to the county.

It will be stated to you that even if we do put this amendment into the act, that trusts will be established outside of the Commonwealth of Pennsylvania.

Trusts can be established outside of the Commonwealth of Pennsylvania with or without this amendment, but if we insist that the amendment be included, those estates that are now established with a trustee outside the Commonwealth of Pennsylvania will be brought under the provisions of this act. Under the present act, either with

or without the amendment, capital can fly out of the state of Pennsylvania, but if you enact this act without the amendment you are saying to the millions and millions of dollars of taxable personal property already established by trusteeship, that is a trustee outside of the confines of the Commonwealth, you are saying to them, "Gentlemen, you don't have to pay any personal property tax in the State of Pennsylvania".

It will be argued that the cestui qui trustents, those who receive the benefit of the trust, might be susceptible to taxation under this act. I say to the membership of the House that that is apparently an undecided legal situation and until it has been determined not only by our State Supreme Court but by the Supreme Court of the United States, the cestuis qui trustents are not going to pay the tax. I realize the situation with which the majority is confronted, but I say the better procedure would be that we save for Pennsylvania the taxable personal property that is already established rather than see capital go to another state as a result of the passage of this act either with or without the amendment. This is a very technical situation. It is a situation that requires the advice of experts. I concede that, but I say as a result of my study and as a result of the advice of those experts with whom I have consulted, it is better for the Commonwealth of Pennsylvania to keep what it has than it is to leave the amendment out of the act and lose what it has. If you do that, the Dorrance estate and every other estate now established, with one single trustee out of the confines of the Commonwealth, every bit of taxable personal property is lost to the Commonwealth of Pennsylvania and your budget is out of balance. This act as it is presently drawn, and as it is presently before the House, coming from the Senate, exempts millions of dollars of taxable personal property. You are saying to those men, "You don't have to pay the tax." You are still saying by your vote that the small holder of a mortgage, the small holder of a few stocks and bonds of foreign corporations, you are saying to the poor individual widow or orphan who is the recipient of some small personal property income, "You pay the tax," but to the estate of Mr. Dorrance and to thousands of other established estates throughout the Commonwealth of Pennsylvania, you are saying "You do not have to pay the tax." I cannot conceive how this House could be satisfied to take that position.

Mr. WOODSIDE. Mr. Speaker and members of the House, the gentleman from York has suggested that as soon as this bill is signed, certain people will be relieved from taxation who are now subject to it. The fact is that this law will be the same as the law which is now on the statute books, and has been on the statute books for the past two years, if the motion which I have made along with the following one is agreed by this House. Therefore, Mr. Speaker, it seems to me that the argument of the gentleman from York is not sound.

Let me make this observation. He talks about driving capital out of the state. If we vote down this motion, it will drive capital out of the State and drive business out of the State because under the law as it is now written, and under the law as it would be with this amendment you could go into another state and establish there an active trusteeship, and be relieved from taxation. If this amendment were put in the only effect it would have would be to cause people who are the trustees, who are residents of Pennsylvania along with the trustees who are residents outside of the State, to resign and to make all of the trusteeships outside of the State. That would not bring any additional business to Pennsylvania.

Relative to the budget. Estimates have been made by the Department of Revenue and they claim this will not in any way interfere with the estimates that have been made. For this reason, ladies and gentlemen of the House, I ask you to vote "aye" on my motion.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated.

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to inquire of the gentleman from Dauphin whether under the act as now interpreted by the Supreme Court's decision at No. 444 January term 1938, the Dorrance Estate is taxable in the Commonwealth of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, the Dorrance Estate is not taxable and if this amendment were put in the bill the Dorrance Estate would still not be taxable, because the trustees living in Pennsylvania would resign and leave the trusteeship in New Jersey, and they would not be taxable under the amendment.

Mr. HERBERT B. COHEN. Mr. Speaker, if this act is passed upsetting the decision of the Supreme Court and nothing further is done about the Dorrance Estate trustees, would the Dorrance Estate then be subject to a personal property tax in the state of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, that is a very interesting assumption because it probably would not occur, but even if it did there would still be plenty of argument as to whether or not the Dorrance Estate would be taxable in Pennsylvania.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman from Dauphin does not apparently desire to answer my assumption. The question I asked the gentleman was whether or not if we passed the act with the amendment inserted, would the Dorrance Estate be taxable. The Dorrance Estate would be taxable. Now, the assumption is and the assumption that the gentleman from Dauphin wants us to subscribe to, is that the Dorrance Estate trustees would move from the Commonwealth of Pennsylvania. I do not know that they will, you don't know that they will, the gentleman from Dauphin does not know that they will. But I know this, that if you do not make an attempt to get the Dorrance Estate by insisting that the House amendments be in the bill, you are surely not going to get one cent of taxes from that estate.

Secondly, there might be thousands of estates established now that have a definite corporate trustee in Pennsylvania and other trustees not in the Commonwealth. Those estates could not escape taxation if we insert the House amendments, but if we do not insert those amendments we are letting them go scot free. We are sitting idly by here, we are taking a fatalistic position, and saying in a fatalistic manner, the Dorrance Estate licked us, not the Supreme Court, we are not going to do anything to see that the three trustees pay three-fourths of the taxes. That same thing is true of every established trust in the

Commonwealth of Pennsylvania, and if we do not do anything not only will we lose the tax from the Dorrance Estate but from thousands of other established estates. We are going to lose the tax of every individual Pennsylvanian that has enough money to consult expert tax counsel and establish a trustee in Delaware or Maryland. Already the Commonwealth of Pennsylvania is being combed by corporation lawyers, representing trustees in Delaware asking for the establishment of trusts to conform with the opinion in the Dorrance Estate.

I say to the membership of this House, you must take affirmative action, and to allow the amendments of the Senate to prevail means that we are by our vote saying to the holders of a sizable amount of personal property, we are not even going to lift a finger to get that taxable money, but we are passing an act that will take from the small taxpayers. Let me tell you men I have been through this before. I know that the four mill personal property tax is one of the most difficult taxes to handle. I know that it is a tax that will have a great amount of repercussion when you go home. I know that you will be continuously spoken to by the small taxpayer and the only explanation you are going to be able to give to that small taxpayer is to say, "Well, we might have taxed you but we left the Dorrance Estate go free."

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Woodside and Mr. Winner and were as follows:

YEAS—117

Ackermann,	Ely,	Lee,	Seif,
Alspach,	Ewing,	Leisey,	Serrill,
Atkins,	Fisher,	Leydic,	Shearer,
Balliet,	Fiss,	Lichtenwalter,	Simons,
Bardes,	Fleming,	Lyons,	Sloan,
Bennett,	Foor,	Marr,	Snyder,
Boorse,	Freed,	Matthews,	Stambaugh,
Boose,	Fullerton,	McClester,	Stewart,
Bower,	Gillan,	McGarrity,	Stockham,
Boyd,	Gillette,	McKinney,	Taylor,
Bretherick,	Goll,	McNally,	Thistle,
Bronson,	Habbyshaw,	McVay,	Thompson, G. R.,
Brown, S. W.,	Haines,	Montgomery,	Tiemann,
Brunner,	Hall,	Moser, F. S.,	Trout,
Cadwalader,	Hamilton,	Moser, J. L.,	VanAllsburg,
Calvin,	Harbeson,	Muir,	Voorhees,
Carpenter,	Henry,	O'Dare,	Wagner,
Christler,	Hewitt,	Peacock,	Watkins,
Clark,	Hocke,	Peale,	Webster,
Clearwater,	Hoyt,	Reagan,	Wilkinson,
Cook,	Huntley,	Reese, D. P.,	Wilson,
Cooper,	Imbrie,	Rhodes,	Winner,
Cordier,	James,	Riley,	Wood, H. M.,
Cortese,	Johnston,	Robertson,	Wood, L. H.,
Curran,	Jones,	Rose,	Wood, N.,
Dalrymple,	Kane,	Roseberry,	Woodside,
Dick,	Kline,	Royer,	Yeakel,
Dix,	Knoble,	Sarge,	Turner,
Donahue,	Kowalski,	Schrock,	Speaker.
Eckels,	Krise,		

NAYS—49

Andrews,	Downey,	Levy,	Rooney,
Baker,	Falkenstein,	Lovett,	Rothenberger,
Balthaser,	Fauset,	Malloy,	Sarraf,
Boney,	Furman,	McLane,	Schrope,
Brancato,	Gorski,	Moran,	Schwab,
Broad,	Hess,	Munley,	Stank,
Brown, H. S.,	Hindman,	O'Connor,	Tarr,
Burns,	Hoffman, S. K.,	O'Keefe,	Weiss,
Chervenak,	Holland,	O'Neill,	Welsh, E. B.,
Cohen, H. B.,	Keenan,	Preston,	Welsh, M. J.,
Cohen, R. E.,	Kenehan,	Readinger,	Westrick,
Corrigan,	Kilroy,	Rider,	Williams,
DeNote,			

So the question was determined in the affirmative and the motion was agreed to.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I reiterate everything that has been said on this subject and the arguments are still as pertinent on this vote as on the previous vote.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—116

Ackermann,	Eckels,	Krise,	Schrock,
Alspach,	Ely,	Lee,	Seif,
Atkins,	Ewing,	Leisey,	Serrill,
Balliet,	Fisher,	Leydic,	Shearer,
Bardes,	Fiss,	Lichtenwalter,	Simons,
Bennett,	Fleming,	Lyons,	Sloan,
Boorse,	Foor,	Marr,	Snyder,
Boose,	Freed,	Matthews,	Stambaugh,
Bower,	Fullerton,	McClester,	Stewart,
Boyd,	Gillan,	McGarrity,	Stockham,
Bretherick,	Gillette,	McKinney,	Taylor,
Bronson,	Goll,	McNally,	Thistle,
Brown, S. W.,	Habbyshaw,	McVay,	Thompson, G. R.,
Brunner,	Haines,	Montgomery,	Tiemann,
Cadwalader,	Hall,	Moser, F. S.,	Trout,
Calvin,	Hamilton,	Moser, J. L.,	VanAllsburg,
Carpenter,	Harbeson,	Muir,	Voorhees,
Christler,	Hewitt,	O'Dare,	Wagner,
Clark,	Hocke,	Peacock,	Watkins,
Clearwater,	Hoyt,	Peale,	Webster,
Cook,	Huntley,	Reagan,	Wilkinson,
Cooper,	Imbrie,	Reese, D. P.,	Wilson,
Cordier,	James,	Rhodes,	Winner,
Cortese,	Johnston,	Riley,	Wood, H. M.,
Curran,	Jones,	Robertson,	Wood, L. H.,
Dalrymple,	Kane,	Rose,	Wood, N.,
Dick,	Kline,	Roseberry,	Woodside,
Dix,	Knoble,	Royer,	Yeakel,
Donahue,	Kowalski,	Sarge,	Turner,
			Speaker.

NAYS—51

Andrews,	Fauset,	Lovett,	Rothenberger,
Baker,	Furman,	Malloy,	Sarraf,
Balthaser,	Gorski,	McLane,	Schrope,
Boney,	Henry,	Melchiorre,	Schwab,
Broad,	Hess,	Moran,	Stank,
Brown, H. S.,	Hindman,	Munley,	Tarr,
Chervenak,	Hoffman, S. K.,	O'Connor,	Tronzo,
Cohen, H. B.,	Holland,	O'Keefe,	Weiss,
Cohen, R. E.,	Keenan,	O'Neill,	Welsh, E. B.,
Corrigan,	Kenehan,	Preston,	Welsh, M. J.,
DeNote,	Kilroy,	Readinger,	Westrick,
Downey,	Levy,	Rider,	Williams,
Falkenstein,	Long,	Rooney,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 331.

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the asendments as follows:

Amend Section 2, page 5, by striking out at the beginning of line 13 the word "much" and inserting in lieu thereof the word "such."

Amend Section 5, page 6, by striking out at the end of line 24 the word "State's" and inserting in lieu thereof the word "district."

Amend Section 6, page 7, line 14, by striking out the word "of" and inserting in lieu thereof the word "or."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Alspach	Falkenstein,	Long,	Scanlon,
Andrews,	Fauset,	Lovett,	Schrock,
Atkins,	Fisher,	Lyons,	Schrope,
Auker,	Fiss,	Madden,	Schwab,
Baker,	Flanagan,	Malloy,	Seif,
Balliet,	Fleming,	Malone,	Serrill,
Balthaser,	Foor,	Marr,	Shaw,
Bardes,	Freed,	Matthews,	Shearer,
Bennett,	Fullerton,	McClester,	Simons,
Bohn,	Furman,	McGarrity,	Skale,
Boney,	Gates,	McKinney,	Sloan,
Boorse,	Gillan,	McLane,	Snyder,
Boose,	Gillette,	McNally,	Stambaugh,
Bower,	Goll,	McVay,	Stank,
Boyd,	Gorski,	Melchiorre,	Stewart,
Brancato,	Habbyshaw,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tahl,
Bronson,	Hamilton,	Moran,	Tarr,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thistle,
Brunner,	Haudenshield,	Muir,	Thompson, G.R.,
Burns,	Henry,	Munley,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Downey,	Leisey,	Royer,	Turner,
Eckels,	Levy,	Sarge,	Speaker.
Ely,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 549.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 549, Printer's No. 269, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. HERFERD M. WOOD. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. WILKINSON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Elk, Mr. Wood vote on the final passage of this bill?

Mr. HERFERD M. WOOD. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Wilkinson, vote on the final passage of this bill?

Mr. WILKINSON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HERFERD M. WOOD. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERFERD M. WOOD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 6 of the title, by inserting after the word "by" and before the word "increasing" the following: "providing for equipment allowances"

Amend page 1, line 6 of the title, by inserting after the word "increasing" and before the word "clothing" the following: "and extending"

Amend section 1 (section 9), page 2, line 17 by inserting after the word "period" and before the word "subsequent" the word: "a"

Amend section 1 (section 9), page 2, line 17 by inserting after the word "be" and before the word "on" the word: "made"

Amend section 1 (section 9), page 2, line 28 by inserting after the word "entitled" and before the word "and" the word: "thereto"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 317.

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously re-enacted and amended by extending the provisions of the act for a further limited period of time changing the method of ascertaining the net income of insurance companies exempting title insurance companies and making certain changes in the method of ascertaining taxable net income and in the procedure for the collection and adjustment of the tax

HOUSE BILL No. 318.

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property defining clarifying and limiting certain exemptions exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or nonprofit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax n scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time

HOUSE BILL No. 331.

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

Mr. WOODSIDE asked and obtained unanimous consent to call up out of order House Bill No. 1076, Printers No. 463, on page 32 of today's calendar, which was passed over.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1076, entitled:

An Act to amend the act approved the first day of June, one thousand nine hundred and thirty-seven, (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court, providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of th board; prescribing certain penalties," broadening the definition of "labor dispute;" further defining the rights of employes; further defining and limiting unfair labor practices; making further provision for designation and selection of representatives for the purposes of collective bargaining; changing the practice before the Pennsylvania Labor Relations Board and limiting its powers in certain cases; and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, Job said, "Would that my enemy should write a book." If Job were around here tonight he would say, "Would that my enemy enact House Bill No. 1076 in its present form." Heaven forbid, Mr. Speaker, that at this time of the night I should spend any precious time trying to persuade the Republican party not to make a mistake.

Mr. MORAN. Mr. Speaker and members of the House, I am going to be very brief in this. I want to direct the attention of the members of the House to the fact that this is a very bad bill. It absolutely will bring back company unions if it is enacted, and it is against organized labor. I ask the members of the House to vote this bill down.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—120

Ackermann,	Eckels,	Kowalski,	Schroek,
Alspach,	Ely,	Krise,	Seif,
Atkins,	Ewing,	Lee,	Serrill,
Auker,	Fisher,	Leisey,	Shearer,
Balliet,	Fiss,	Leydic,	Simons,
Bardes,	Fleming,	Lichtenwalter,	Sloan,
Bennett,	Foor,	Lyons,	Snyder,
Boorse,	Freed,	Marr,	Stambaugh,
Boose,	Fullerton,	Matthews,	Stewart,
Bower,	Gates,	McClester,	Stockham,
Boyd,	Gillan,	McGarrity,	Sweeney,
Bretherick,	Gillette,	McKinney,	Tahl,
Bronson,	Goll,	McNally,	Taylor,
Brown, S. W.,	Habbyshaw,	McVay,	Terry,
Brunner,	Haines,	Montgomery,	Thistle,
Cadwalader,	Hall,	Moser, F. S.,	Thompson, G. R.,
Calvin,	Hamilton,	Moser, J. L.,	Tiemann,
Carpenter,	Harbeson,	Muir,	Trout,
Christler,	Haudenshield,	O'Dare,	VanAllsburg,
Clark,	Henry,	Peacock,	Voorhees,
Clearwater,	Hewitt,	Peale,	Webster,
Cook,	Hocke,	Reagan,	Wilkinson,
Cooper,	Hoyt,	Reese, D. P.,	Wilson,

Cordier,	Huntley,	Rhodes,	Winner.
Cortese,	Imbrie,	Riley,	Wood, H. M.
Curran,	James,	Robertson,	Wood, L. H.,
Dalrymple,	Johnston,	Rose,	Wood, N.,
Dick,	Jones,	Roseberry,	Woodside,
Dix,	Kane,	Royer,	Yeakel,
Donahue,	Knoble,	Sarge,	Turner,
			Speaker.

NAYS—55

Andrews,	Falkenstein,	McLane,	Rothenberger.
Baker,	Fauset,	Melchiorre,	Sarraf,
Balthaser,	Furman,	Mooney,	Schrope,
Bohn,	Gorski,	Moran,	Schwab,
Boney,	Hess,	Munley,	Stank,
Brancato,	Hindman,	O'Connor,	Tarr,
Broad,	Hoffman, S K.,	O'Keefe,	Tronzo,
Brown, H. S.,	Holland,	O'Neill,	Wagner,
Burns,	Keenan,	Preston,	Watkins,
Check,	Kenehan,	Readinger	Weiss,
Chervenak,	Kilroy,	Reese, R. E.,	Welsh, E. B.
Cohen, H. B.,	Kline,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Levy,	Rider,	Westrick,
Corrigan,	Lovett,	Rooney,	Williams,
Downey,	Malloy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that House Bill No. 1393, Senate Bill No. 375, Printer's No. 375, entitled:

An Act authorizing the Commonwealth political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

be recommitted to the Committee on Welfare for further study and possible amendment.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. JACOB L. MOSER from the Committee on Public Utilities reported as committed, House Bill No. 1355, entitled:

An Act to repeal article eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations,including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission powers to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by eliminating contract carriers from the provisions of the act.

Mr. RILEY from the Committee on Public Utilities reported as committed, House Bill No. 936, entitled:

An Act to amend section ten of the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended; giving the board additional powers relating to the removal and relocation of gas, water and telephone lines, highways railroads and other facilities, and the payment of costs and damages incident thereto.

Mr. MORAN from the Committee on Public Utilities reported as committed, House Bill No. 785, entitled:

An Act to amend Sections three hundred one and four hundred one of the Act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), known and cited as the "Public Utility Law," by further limiting the control and regulation of the Commission in respect to rates, service and extensions by municipal corporations.

Mr. SLOAN from the Committee on Public Utilities reported as committed, House Bill No. 1433 (Senate Bill No 673), entitled:

An Act to amend Section 1 of the act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling

making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits, time clock circuits, and certain telegraph teleprinters.

COMMITTEE MEETINGS

There will be a meeting of the Committee on Game, Friday, May 5, at 9 a. m., in Room 325.

There will be a Public Hearing before the Committee on Mines and Mining on Monday, May 8, at 2 p. m., in the House Caucus Room.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 12 p. m.) the House adjourned until Friday, May 5, 1939, at 12 noon.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

FRIDAY, May 5, 1939

The Senate met at 10:30 o'clock, a. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Wrestling on with the problems of legislation which confront us, Our Father, we have entered into another day by Thy sustaining grace. We could not have laid down and slept and arisen except for Thy watchfulness and protecting care over us for Thou dost neither slumber nor sleep.

But here we are assembled with much work to do and the health and strength and will to do it. For these blessings we are deeply and profoundly grateful.

May the fabric we weave this day on the loom of conscientious endeavor be of that quality which will stand Thy scrutiny not only today but for all time. If it be made of truth, it must endure.

May it be the fabric which expresses through its durability and beauty the light of truth shining in the darkness of error and the light of righteousness in the darkness of sin. Yea, Lord, may it be definitely the light of life shining in the darkness of death, for are we not Thy children even though we be Senators and are we not accountable unto Thee for all our stewardship of life even though we are chosen to these high offices? As good stewards of Thine, we must disseminate Thy truth.

So now, in the humble discharge of the several duties which devolve upon our shoulders, we leave us in Thy care, as indeed we always are, but especially do we pray for Thy presence deep within our very spirits as we labor together for the well-being of all the people of our great Commonwealth. We pray in the name of the Almighty God of Hosts. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session when on motion of Mr. OWLETT and Mr. TALLMAN, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING THE VAN ALLSBURG BILL (HOUSE No. 867)

Communication from the Bryn Mawr College, Bryn Mawr, Pa., opposing the elimination of Civil Service in the Department of Public Assistance.

Resolution from the United Retail and Wholesale Employees of America opposing the same bill.

Also Resolution from the Philadelphia District of Pennsylvania Association Teachers of Colored Children, opposing the same bill.

URGING PASSAGE OF HOUSE BILL No. 305

Communication from the Hospital Association of Pennsylvania urging passage of House Bill No. 305, the Tahl and Hamilton Bill, prohibiting the sale of fireworks in Pennsylvania.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 321, (Senate Bill No. 934), entitled:

An Act to amend section three of the act, approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 322), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks and trust companies, and certain partnerships," as amended, by providing that foreign corporations becoming domestic corporations shall be entitled to a credit on the bonus to which it is liable equal to the amount of bonus theretofore paid by such foreign corporation.

Which was committed to the Committee on Finance.

House Bill No. 642, (Senate Bill No. 935), entitled:

An Act to amend the title and section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," as amended by including the use of other fraudulent methods and artifices to produce the operation of such instruments or machines.

Which was committed to the Committee on Judiciary Special.

House Bill No. 673, (Senate Bill No. 936), entitled:

An Act to amend subsection (7) of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law" by enlarging the definition of the

phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transportation of school children exclusively.

Which was committed to the Committee on Public Utilities.

House Bill No. 690, (Senate Bill No. 937), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contribution and the payment of such compensations; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provisions for reciprocal arrangements and compacts with agencies of other states and the Federal Government; further defining ineligibility for compensation; authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account; and terminating certain compensation rights hereunder.

Which was committed to the Committee on Labor and Industry.

House Bill No. 951, (Senate Bill No. 938), entitled:

An Act to further amend section one, and to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen, (P. L. 507), entitled "Intangible Personal Property Tax Law," imposing taxes on additional classes of personal property; excluding from taxation certain classes of personal property heretofore taxed; making such taxes liens; and providing for their entry in the prothonotary's office, and the exoneration of tax collectors in such cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 1093, (Senate Bill No. 939), entitled:

An Act to further amend section one of the act, approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties" by requiring certain matters to be filed with or obtained from, the Department of Revenue instead of the Auditor General, in order to conform said act to existing law.

Which was committed to the Committee on Finance.

House Bill No. 1114, (Senate Bill No. 940), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "Fiscal Code," as amended, by providing a special procedure for the payment of appropriations for public assistance; extending the time limit within which petitions for review of resettlements may be filed; making certain information pertaining to taxes and bonus confidential except for official purposes; modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports; and further defining or regulating State depositories, the deposits of State moneys and the security required for such deposits.

Which was committed to the Committee on Finance.

House Bill No. 1129, (Senate Bill No. 941), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

Which was committed to the Committee on Appropriations.

House Bill No. 1144, (Senate Bill No. 942), entitled:

An Act to amend the title and Section 3 of the Act approved the 12th day of May 1897 (P. L. 63), entitled "To prevent and punish the loan, gift, sale or distribution of indecent and immoral writings, printings, pictures photographs, or representations of all matters of an indecent or immoral character, and of all articles, drugs recipes, et cetera, to prevent conception, or to produce unlawful abortion, or intended or purporting to be used for such purposes, or either of them, and also to prevent the advertisement, exhibition or publication of the same and to authorize the seizure and destruction of all such matter," by extending provisions thereof to include the sale, loan, gift, and distribution of printed matter extolling crimes and deeds of violence, and imposing certain duties upon the District Attorneys.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1232, (Senate Bill No. 943), entitled:

An Act regulating the appointment, promotion, suspension, reduction and reinstatement of employees, (except superintendent of police and assistant superintendent of police) in bureaus of police, detectives, signal operators, assistant signal operators, police telephone operators, police radio operators and assistant radio operators, police women and police matrons in cities of the second class; defining the powers and duties of civil service commissions for such purpose in said cities; and repealing inconsistent legislation.

Which was committed to the Committee on Municipal Government.

House Bill No. 1256, (Senate Bill No. 944), entitled:

An Act to amend subdivision (b) of article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," providing for a State association for recorders of deeds, and allowing expenses in attending annual meetings.

Which was committed to the Committee on County Government.

House Bill No. 1310, (Senate Bill No. 945), entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen, at the cost of the county, forms used in criminal proceedings before the

Which was committed to the Committee on County Government.

House Bill No. 1320, (Senate Bill No. 946), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws nine hundred fifty-four), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip, bonds, certificates, and evidences of indebtedness issued or assumed by such corporations, and requiring certain reports in connection therewith," conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

Which was committed to the Committee on Finance.

House Bill No. 1384, (Senate Bill No. 947), entitled:

An Act to amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897, 1937), entitled "Unemployment Compensation Law," redefining "benefit year"; eliminating contractor liability and the definition of "full-time weekly wage"; taking away the right of probationary employes of the department to appeal from dismissal; providing additional remedies for the collection and for compromises of contributions and interest; imposing duties on prothonotaries; changing the qualifications for, and the rate and duration of compensation; authorizing certain payments without administration or the appointment of a guardian or committee; and extending and further regulating the provisions for appeal.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1388, (Senate Bill No. 948), entitled:

An Act to amend section three of the act, approved the second day of May, one thousand nine hundred five (Pamphlet Laws, three hundred fifty-one), entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth, in criminal proceedings, in the various courts of oyer and terminer, general jail delivery, and quarter sessions, if requested to do so by the president judge of the district having jurisdiction thereof; providing for the compensation of such attorneys, and defining their duties and powers," by making counties liable for the payment of the compensation and expenses of attorneys appointed by the Attorney General.

Which was committed to the Committee on Judiciary General.

House Bill No. 272, (Senate Bill No. 949), entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

Which was committed to the Committee on Elections.

House Bill No. 737, (Senate Bill No. 950), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

Which was committed to the Committee on Education.

House Bill No. 879, (Senate Bill No. 951), entitled:

An Act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto, and giving a right of action against such political subdivisions for the recovery of such taxes and fees upon their failure to make such refunds, making the provisions of the act retroactive, and repealing existing laws.

Which was committed to the Committee on Municipal Government.

House Bill No. 1019, (Senate Bill No. 952), entitled:

An Act authorizing cities of the third class to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof

Which was committed to the Committee on Municipal Government.

(House Bill No. 1062, (Senate Bill No. 953), entitled:

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth by: defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters; repealing all acts or parts of acts inconsistent herewith includign Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8, 1937.

Which was committed to the Committee on Forestry, Game and Fish.

House Bill No. 1200, (Senate Bill No. 954), entitled:

An Act authorizing all counties, cities, boroughs, incorporated towns, townships and institutions districts, to place their respective officers and employes in the State Employes' Retirement Association; prescribing the procedure to be followed and authorizing a special tax to pay the expenses incident thereto; placing certain duties upon the State Treasurer and the fiscal officers of the said municipal units; prohibiting the future establishment of local pension or retirement systems and providing in certain cases for the discontinuance of existing ones.

Which was committed to the Committee on State Government.

House Bill No. 1112, (Senate Bill No. 955), entitled:

An Act authorizing the council of cities of the second class A, to fix the salaries of members of the fire department; and establishing minimum salaries.

Which was committed to the Committee on Municipal Government.

HOUSE RECEDES FROM ITS NON-CONCURRENCE IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 318

He also informed the Senate that the House of Representatives has receded from its non-concurrence in amendments made by the Senate to House Bill No. 318, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," as previously reenacted and amended, by continuing the State personal property tax for a further limited period of time.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 317

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 317, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "Corporate Net Income Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 331

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 480

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 480, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

HOUSE CONCURS IN SENATE BILL No. 268 (HOUSE BILL No. 1392)

He also returned to the Senate, Senate Bill No. 268, (House Bill No. 1392), entitled:

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 433 (HOUSE BILL No. 1399)

He also returned to the Senate, Senate Bill No. 433, (House Bill No. 1399), entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442) entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Senate Bill No. 268, entitled:

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act, aproved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associatons, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results cost and damages; authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

SENATE BILL NO. 317 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill with amendments will be noted on Monday's Calendar.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 28, entitled:

An Act to regulate the sale of sulfamilamide and its derivatives in the interest of public health.

House Bill No. 317 entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "Corporate Net Income Tax Act," as peviously reenacted and

amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

House Bill No. 318, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," as previously reenacted and amended, by continuing the State personal property tax for a further limited period of time.

House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

House Bill No. 444, entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of, death benefits.

House Bill No. 480, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsstent legislation.

House Bill No. 546, entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

COMMUNICATIONS FROM THE DEPARTMENT OF PUBLIC ASSISTANCE

The PRESIDENT. The Clerk will read the following communication which was addressed to the Secretary of the Senate:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC ASSISTANCE

Harrisburg, May 4, 1939.

The Honorable George F. Holmes
Secretary
Senate of Pennsylvania
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Dear Mr. Holmes:

In accordance with Senate Resolution Number 19, adopted March 7, 1939, I am submitting herewith a report on the number of aliens receiving public assistance in Pennsylvania and the total amount paid to aliens for each county and for each of the four types of public assistance administered by the Department of Public Assistance.

Since citizenship has not been a requirement for assistance eligibility, it was necessary to obtain the required information from case records and by field investigation. Moreover, since there is a continuous turnover in the case load, it would have been very difficult and costly administratively, to obtain the information retroactively for each of the months of January and February, as requested in the Resolution. To have done so would have necessitated investigating at considerable cost many cases which are no longer receiving assistance.

Accordingly, the count was made as of a given date (March 25, 1939) and the weekly grants, for general assistance, were translated to a monthly basis, in order to make them comparable with the monthly grants reported for the other types of assistance.

Sincerely yours,
HOWARD L. RUSSELL, Secretary

The PRESIDENT. The letter will be spread upon the Journal and a copy of the Report will be placed on the desk of each Senator.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I have here a resolution from the Workmen's Sick and Death Benefit Fund of the U. S. of A., which I should like to have entered upon the record.

The PRESIDENT. It will be so recorded.

RESOLUTION

The undersigned organization in session assembled adopted the following resolution:

Whereas, It has been carefully noted that the Department of Public Assistance of the Commonwealth of Pennsylvania has made it necessary for the recipient of assistance to bind and oblige themselves by virtue of execution of Bond to the extent of $5,000 and

Whereas, The aforesaid bond is binding in full force and virtue to each husband and wife, heirs, executors, etc., and

Whereas, The obligator, if in default of satisfactory settlement within thirty days of all monies granted under the State Laws of support in Pennsylvania, must authorize judgment to be entered immediately by the Prothonotary and must further agree to the selling of real estate on writ of Fieri Facias (sheriff sale). and

Whereas, The Governor of Pennsylvania in his inaugural address stated "Relief must be humanized—that it be prompt and adequate and fully administered," and

Whereas, We feel that the above bond emasculates the initiative of American citizenship; that it demoralize Pennsylvania residents and has tendencies of making perfect paupers of decent law abiding property owner or heirs thereof, now

Therefore, Be it resolved that this organization go on record in recommending the withdrawal of the aforesaid executive order issued April 1, 1939 and recommend that it remain without force and virtue as in prior years, and

Be It Further Resolved, That this resolution be posted on the Bulletin Boards and transmit copies thereof to Honorable Governor James, Senator Dent and Assemblymen Maddin and Denman and furnish additional copies for the public press.

WORKMEN'S SICK AND DEALTH BENEFIT FUND OF THE U. S. OF A.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideratin of nominations for appointment as Notaries Public, sent to the Senate, May 4 and 5, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. COLEMAN. Mr. President, I second the motion.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

LACKAWANNA COUNTY

Miss Theresa R. Flaherty, Scranton.

LEBANON COUNTY

Wilhelm R. Lieb, Lebanon.

LYCOMING COUNTY

Joseph R. Axman, Jersey Shore.

PHILADELPHIA COUNTY

Luke M. Fisher, Phila., 2624 Island Avenue.
Miss Anna C. Mellon, Phila., 2213 W. Glenwood Avenue.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ira F. Smith, 2? West 4th Street, Williamsport, Lycoming County, for appointment as a Notary Public, for the term of four years to compute from May 14, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ira R. Hill, Pittsburgh, 3222 Grant Bldg.
Miss Faye E. Miller, Pittsburgh, 301 Arrott Bldg., 4th Avenue & Wood Street.

CRAWFORD COUNTY

Mrs. Ora B. Snodgrass, West Shenango Twp., R. D. 2, Jamestown.

PHILADELPHIA COUNTY

Harry R. McKeon, Phila., 2005 Tulpehocken St.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. OWLETT and Mr. COLEMAN

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. OWLETT and Mr. COLEMAN

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 35.

Bartlett,	Eroe	McCreesh,	Shapiro,
Chapman,	Farrell,	McGinnis,	Snowden,
Coleman,	Geider,	Miller,	Stevenson,
Crowe,	Geltz,	Mundy,	Taliman,
Dando,	Homsher,	Owlett,	Thomas,
Deitrich,	James,	Pierson,	Walker,
Dent,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Letzler,	Ruth,	Woodward,
Edmonds,	Mallery,	Scarlett,	

NAYS 0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. KILGALLEN. Mr. President, I move that the Executive Session do now rise.

Mr. WOLFENDEN. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 956, entitled:

An act to further amend section four hundred one and to amend section four hundred eight of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions;

and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by changing the terms of trustees of state teachers' colleges and of members of the State Council of Education.

Which was committed to the Committee on Education.

MOTION TO PROCEED TO CONSIDERATION OF THE CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

The motion is agreed to.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 456, on final passage entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 537, on final passage, entitled:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 22 on third reading, entitled:

An Act to prohibit sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 50, on third reading, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 153, on third reading, entitled:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first one thousand nine hundred and thirty-nine

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 198, entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds or other obligations of corporations when such mortgages bonds or obligations contained minor defects.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando.	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 279, (House Bill No. 243), on third reading, entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 284, entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 279, (House Bill No. 243), that just went over in its order.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Tioga whether there has been a change in the program, as I think this is one of the bills that was controversial yesterday.

Mr. OWLETT. Mr. President, it was agreed that this bill should go over in its order because Senator Coleman stated it applies only to Second Class A cities—and it was thought Senator Coleman objected to it, but now he says it is satisfactory and would like to have it acted upon.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 279, (House Bill No. 243), entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 293, (House Bill No. 442), on third reading, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 303, (House Bill No. 370), entitled:

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to uncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such election and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. FARRELL. Mr. President, I move that Senate Bill No. 416, on third reading, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provisions for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period.

be recommitted to the Committee on Education for the purpose of further study.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment thereof or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the power duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 437, (House Bill No. 254), on third reading, entitled:

An Act to amend section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred and thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for compensation for services rendered by constables and their deputies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 476, on third reading, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class and second class A and third class as State Highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utilities companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Jeannette

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT. Mr. President, this is a bill that I mentioned the other day, that affects only my home town.

Mr. GELDER. Mr. President, I ask that it go over in order.

Mr. DENT. Mr. President, I wish the Senator from Susquehanna would withdraw that motion. I will explain what this bill is, if I am permitted the opportunity. I understand that the Senate will adjourn in two weeks. Gentlemen, it is important that this legislation pass. There is nothing in this bill that should cause it to be held up.

Mr. GELDER. Mr. President, I suggest that the bill go over in its order.

Mr. DENT. Mr. President, I withdraw my objection.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 486, entitled:

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which such corporations may issue policies

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to amend Section two (2) page two (2) line twenty-two (22) by inserting after the word "majority" and before the word "shall" the words of the members of such corporation; amend section two (2) page two (2) line twenty-two (22) by inserting after the word "vote" and before the word "in" the words or authorize a vote; amend Section six (6) page five (5) line nine (9) by inserting after the word "have" and before the word "deposited" the words a guarantee capital of at least twenty-five thousand dollars and a surplus of at least twenty-five thousand dollars and until it shall have

The PRESIDENT. Is there objection? The Chair hears none.

And said bill as amended having been read at length the third time and agreed to.

Ordered, To be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 476, which just went over in its order.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 476, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class and second class A and third class as State Highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets provding that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and provding penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Jeannette

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 504, on third reading, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court the judges thereof to consist of the retired judges of the Supreme Superior Common Pleas and Orphans' Courts and to perform auxiliary judicial services in the several courts of the Commonwealth and providing for their necessary expenses and for the continuation of their retirement pay while performing such services

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 505, on third reading, entitled:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 579, (House Bill No. 1165), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 591, entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" by extending the jurisdiction of the orphans' court to include partition proceedings between heirs of a deceased co-tenant and the surviving co-tenant

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 594, on third reading, entitled:

An Act to further amend section three of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" providing for the licensing of certain nurses without examination

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 602, (House Bill No. 738), entitled:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 603, (House Bill No. 755), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 606, (House Bill No. 868), on third reading, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 608, (House Bill No. 947), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063), on third reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 612, entitled:

An Act to regulate the acquiring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrich,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 622, (House Bill No. 527), entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 631, (House Bill No. 967), entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 632, (House Bill No. 972), entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 635, on third reading, entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as hosing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing fr the rganization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political sub-divisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions and declaring bonds of an authority negotiable instruments proper for legal investments and free from taxation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 637, on third reading, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all taxes delinquent for more than one fiscal year and providing remedies and penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 675, on third reading, entitled:

An Act for the registration and regulation of certain individuals entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 695, on third reading, entitled:

An Act to deny a right of action and to relieve counties of liability for damages for injury to or destruction of property by action of a mob or in consequence of a riot and repealing inconsistent acts

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 703, on third reading, entitled:

An Act giving landlords a preference where goods are sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 718, (House Bill No. 900), entitled:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor districts and repealing a certain inconsistent section

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 743, entitled:

An Act to amend subsection VII of section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit association to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" permitting such credit unions to invest funds in loans to other credit unions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 756, on third reading, entitled:

An Act providing for the appointment of an acting president judge in any court of the Commonwealth having more than one law judge

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 758, on third reading, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 774, (House Bill No. 1193), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 30.

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler		

NAYS 0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Represenattives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 775, (House Bill No. 1212), entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 30.

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS 0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Represenattives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 783, (House Bill No. 1074), entitled:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand four hundred sixty) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and term of members further defining their powers and duties and terminating the terms of members now in office

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 30.

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS 0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Represenattives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 795, on third reading, entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 796, on third reading, entitled:

An Act to amend section nine of the act approved the twenty-second day of December one thousand nine hundred thirty-three (P. L. 108) entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River, and the issuance of permits therefor" by providing for the assignment of such permits in certain cases and making further provision with respect to the collection of tolls

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 816, entitled:

An Act to amend the act approved the sixth day of April one thousand nine hundred and thirty-nine (P. L. , Act No. 4-A) entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board" by increasing the amount of the appropriation and authorizing the Department of Forests and Waters to accept reimbursements from the United States Department of War

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 30.

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Geider,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrich,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS 0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 824, entitled:

An Act reappropriating to the Bituminous Coal Study Commission the unexpended balance of money heretofore appropriated thereto

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Snowden,
Chapman,	Farrell,	McGinnis,	Stevenson,
Coleman,	Geider,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Ruth,	Wolfenden,
Dent,	Kilgallen,	Scarlett,	Woodward,
Ealy,	Letzler,		

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 835, (House Bill No. 832), on third reading, entitled:

An Act to repeal the act approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An Act providing for the examination, licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules, regulations, and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (P. L. 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 842, entitled:

An Act to repeal section three hundred and two of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2879, 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil services basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing prcedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperatin with the Federal Government and its agencies creating special funds in the custody of the State Treasurer and prescribing penalties" and setting up a reserve fund in the State Treasury

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I ask unanimous consent to amend title, page 2, line 1, by striking out the words: "and setting up a reserve" Amend title, page 2, line 2, by striking out the words: "fund in the State Treasury" Amend page 2, by striking out all of lines 18, 19, and 20.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 842, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the third reading and consideration of Senate Bill No. 58, as follows:

An Act to amend paragraph seven of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural

relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph seven of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the previsions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilites and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a non-profit basis or any independent contractor hauling exclusively for such association or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 152, as follows:

An Act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth establishing the "Pennsylvania Board of Probation and Parole" conferring and defining its jurisdiction duties powers and functions providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of probation and parole fixing the salaries of members of the Board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors and providing penalties therefor and for other cognate purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The value of probation and parole as a disciplinary and corrective influence and process is hereby recognized and it is declared to be the public policy of this Commonwealth that persons subject or sentenced to imprisonment for crime shall on release therefrom be subjected to a period of probation or parole during which their rehabilitation adjustment and restoration to social and economic life and activities shall be aided and facilitated by guidance and supervision under a competent and efficient probation and parole administration and to this end it is the intent of this act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth

Section 2 There shall be and there is hereby established a board for the administration of the probation and parole laws of this Commonwealth which shall be known as the "Pennsylvania Board of Probation and Parole" and which is hereinafter referred to as the "Board" Said board shall consist of five members who shall be appointed by the Superior Court and each of whom shall hold office for a term of four years or until his successor shall have been

duly appointed and qualified Provided however That in making the first appointments to said board the Superior Court shall appoint two members for terms of three years each and three members for terms of four years each Vacancies occurring in an office of member of the board by expiration of term death resignation removal or for any other reason shall be filled by the Superior Court for a full term of four years Provided however That in filling vacancies on said board the Superior Court may by appropriated order increase the term of the person or persons about to be appointed for an additional period of one year if the appointment of such person or persons for four years will result in the terms of more than three of the members of the board expiring in the same calendar year

Section 3 The Superior Court shall from time to time as the occasion may arise appoint one of the members of the board to be its chairman who shall preside at all meetings of the board and perform all the duties and functions of chairman thereof The board may designate one of its members to act as chairman during the absence or incapacity of the chairman and when so acting the members so designated shall have and perform all the powers and duties of chairman of said board but the person so designated shall not receive any additional compensation for so acting

Section 4 A majority of the board shall constitute a quorum for transacting business and expect as hereinafter otherwise provided a majority vote of those present at any meeting shall be sufficient for any official action taken by the board No person shall be paroled discharged from parole or the parole of any person revoked except by a majority of the entire membership of the board

Section 5 The chairman of the board shall receive a salary of ten thousand five hundred dollars ($10,500) per annum and each of the other members of the board shall receive a salary of ten thousand dollars ($10,000) per annum

Section 6 The members of the board shall not hold any other public office or employment nor engage in any business profession or employment during their terms of service as members thereof and shall hold their offices during the terms for which they shall have been appointed if they shall so long behave themselves well A member of the board may be removed by the Superior Court for cause Before removing any member of the board the Superior Court shall furnish to such member a statement in writing of the reasons for his proposed removal and shall give him a reasonable opportunity to reply thereto and upon the removal or discharge from office of any member of the board the Superior Court shall publicly state and file of record with its prothonotary the reasons for such removal or discharge

Section 7 As soon as may be convenient after their appointment the members of the Board of Probation and Parole shall meet and organize They shall appoint a secretary who shall not be a member of the board who shall hold office at their pleasure who shall have such powers and perform such duties not inconsistent with any law of this Commonwealth as the board shall prescribe and who shall receive such compensation as the board shall determine subject to the approval of the Superior Court In the absence or incapacity of the secretary to act the board may designate such other person as it may choose to perform temporarily the duties of secretary

Section 8 The board shall adopt an official seal by which its acts and proceedings shall be authenticated and of which the courts shall take judicial notice The certificate of the chairman of the board under the seal of the board and attested by the secretary shall be accepted in evidence in any judicial proceeding in any court of this Commonwealth as adequate and sufficient proof of the acts and proceedings of the board therein certified to

Section 9 There shall be a General Director of Probation and Parole who shall be appointed by and hold office during the pleasure of the board The General Director of Probation and Parole shall receive a salary of seven thousand five hundred dollars ($7,500) per annum together with such necessary expenses actually incurred by him in the discharge of his duties and as may be authorized and approved by the board The said General Director of Probation and Parole shall subject to the direction and approval of the board have supervision and control of all district probation and parole offices supervisors and agents and generally be the executive head and director of the administration of parole and probation in this Commonwealth

Section 10 The principal office of the board and of the General Director of Probation and Parole shall be in Harrisburg and the board shall appoint and employ therein such number and character of officers agents clerks stenographers and employes as may be necessary to carry out the purposes of this act The salaries of persons so appointed and employed by the board shall be fixed by the board subject to the approval of the Superior Court The board shall divide the Commonwealth for administrative purposes into a suitable number of districts not to exceed fifteen in each of which there shall be a district office which shall have immediate charge of the supervision of cases of probation and parole arising in the courts of the judicial districts embraced within its territorial limits but as occasion may require the supervision of particular probationers or parolees may be transferred by the board to other appropriate parole and probation districts

Section 11 Each district probation and parole office shall be in charge of a district supervisor who shall be appointed by the board as hereinafter provided and who shall receive such annual salary not exceeding five thousand dollars ($5,000) as the board shall determine subject to the approval of the Superior Court Said district supervisor shall be the executive head of the district office to which he shall be appointed and shall have the control management and direction of all employes of the board assigned to said district

Section 12 The board shall appoint in the various district offices a sufficient number of probation and parole officers clerks stenographers and other agents and employes to fully and efficiently administer the probation and parole laws of this Commonwealth but no employe of the board other than its secretary and its General Director of Probation and Parole shall be appointed by the board except in the manner herinafter provided The salaries of such appointees as aforesaid shall be fixed by the board subject to the approval of the Superior Court It shall be the duty of the board from time to time by appropriate rule or regulation to prescribe the qualifications to be possessed by its appointees Said qualifications shall be such as will best promote the efficient operation of probation and parole

Section 13 The board shall from time to time as may be necessary prepare and conduct or cause to be prepared and conducted free competitive examinations for all positions to which it shall have power to appoint except that of the General Director of Probation and Parole and of the Secretary of the board Said examinations shall be practical in character and so far as may be possible shall fairly test the relative capacity and fitness of the applicants to discharge the duties of the service into which they seek to be appointed but no applicant for appointment shall be excluded from the examinations conducted by the board for political racial or religious reasons or because of a lack of previous scholastic education or special training or experience Provided however That in grading applicants the board may give fair credit for previous education training and experience Written examinations shall be so conducted that the identity of those taking the same shall be unknown to the examiners

Section 14 From the examinations conducted as hereinbefore provided the board shall compile lists of eligibles from which it shall make its appointments to the positions for which the examination shall have been held A list shall not remain in existence for a longer period than two years and at the expiration of said period or the exhaustion of a list a new list shall be compiled by the board before another appointment may be made to a position for which the expired or exhausted list was applicable Provided however That in an emergency the board may provisionally appoint to a position for which no eligible

list is available but no such provisional appointment shall be for a longer period than three months and successive provisional appointments shall not be made by the board The persons taking an examination shall take rank upon the eligible list compiled therefrom in the order of their relative fitness as determined by the examination without reference to priority of time of examination In making appointments from an eligible list compiled in the manner aforesaid the board shall select for its first appointment from the names of the three persons standing highest on said list Thereafter as each appointment is made by the board the next selection shall be made in the same manner from the three names then standing highest on said list and so on until the expiration of said list or the exhaustion thereof If any name has been three times rejected by the board the said name shall be stricken from the eligible list and shall not thereafter be considered by the board in making an appointment therefrom All appointments made from an eligible list shall be for a probationary period of not more than six months and during such probationary period the appointee may be dismissed at the pleasure of the board

At its inception the board may in its discretion provisionally appoint and employ its officers clerks and employes from among the officers clerks and employes of the various probation and parole departments operating in this Commonwealth at the effective date of this act without requiring such persons initially to submit themselves to and to pass competitive examinations as herein provided for but no such employment shall continue after the preparation and establishment of an appropriate eligible list for the position occupied by such appointee and in no event for a longer period than two years

Section 15 No employe of the board except the Secretary and General Director of Probation and Parole shall be removed discharged or reduced in pay or position except for cause and only after giving him the reasons therefor in writing and affording him an opportunity to be heard in answer thereto Provided however That an employe may be suspended without pay and without hearing for a period not exceeding thirty days but the reason or reasons for such suspension shall be given to the employe by the board in writing And provided further That successive suspensions of the same employe under the power hereby granted shall not be made

Section 16 No member of the board or officer clerk or employe thereof or any person officially connected therewith shall take any active part in politics or be a member of or delegate or alternate to any political convention or be present at such convention except in the performance of his official duties hereunder No member of the board officer clerk or employe thereof or any person officially connected therewith shall serve as a member of or attend the meeting of any committee of any political party or take any part in political management or political campaigns or use his office to influence political movements or to influence the action of any other officer clerk or employe of said board No member of the board officer clerk or employe thereof or any person officially connected therewith shall in any way or manner interfere with or participate in the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the votes or returning the ballot boxes books papers election paraphernalia and machinery to the place provided by law or be within any polling place save only for the purpose of voting as speedily as it reasonably can be done or be otherwise within fifty feet thereof except for purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding the election and ending with the time when the election officers shall have finished counting the votes and have left the polling place No member of the board officer clerk or employe thereof or any person officially connected therewith shall directly or indirectly make or give demand solicit or be in any manner concerned in making giving demanding soliciting or receiving any assessments subscriptions or contributions whether voluntary or involuntary to any political party or for any political purpose whatsoever Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500) and imprisonment not exceeding one year either or both in the discretion of the court and in addition thereto shall forfeit his office or employment as the case may be and shall not thereafter be appointed or employed by the board in any position or capacity whatsoever It shall be the duty of the board to dismiss from his office or employment any officer clerk or employe thereof who shall violate the same

Section 17 The board shall have exclusive power to parole and reparole commit and recommit for violations of parole and to discharge from parole all persons heretofore or hereafter sentenced by any court in this Commonwealth to imprisonment in any prison or penal institution thereof whether the same be a State or County penitentiary prison or penal institution as hereinafter provided and shall also be charged with the exclusive duty of supervising and regulating the conduct of persons heretofore or hereafter placed on probation by any court in this Commonwealth Provided however That the powers and duties herein conferred shall not extend to persons sentenced or placed upon probation for a period of less than one year and nothing herein contained shall prevent any court of this Commonwealth from paroling any person sentenced by it for a period of less than one year And provided further That the period of one year herein referred to shall mean the entire continuous term of probation or sentence to which a person is subjected whether the same be by one or more sentences either to simple imprisonment or to an indeterminate imprisonment at hard labor as now or hereafter authorized by law to be imposed for criminal offenses

Section 18 It shall be the duty of the court sentencing any person for a term as to which power to parole is herein given to the board to transmit to the said board within thirty day after the imposition of such sentence a full and complete copy of the record upon which sentence was imposed including any notes of testimony taken at the trial or hearing of a plea of guilty and upon which sentence was imposed as aforesaid A judge in his discretion may make at any time any recommendation he may desire to the board respecting the person so sentenced and the term of imprisonment said judge believes such person should be required to serve before a parole is granted to him but a recommendation made by a judge as aforesaid respecting the parole or terms of parole of such person shall be advisory only and no order in respect thereto made or attempted to be made as a part of a sentence shall be binding upon the board in performing the duties and functions herein conferred upon it

Section 19 It shall be the duty of the Board of Probation and Parole upon the commitment to prison of any person whom said board is herein given the power to parole to investigate and inform itself respecting the circumstances of the offense for which said person shall have been sentenced and in addition thereto it shall procure information as full and complete as may be obtainable with regard to the character mental characteristics habits antecedents connections and environment of such person The board shall further produce the stenographic record if any of the trial conviction and sentence together with such additional information regarding the crime for which sentence was imposed as may be available The board shall further cause the conduct of the person while in prison and his physical mental and behavior condition and history and his complete criminal record as far as the same may be known to be investigated and reported All public officials having possession of such records or information are hereby required and directed to furnish the same to the board upon its request and without charge therefor Said investigation shall be made by the board so far as may be practicable while the case is recent and in granting paroles the board shall consider the nature and character of the offense committed and

any recommendation made by the trial judge as well as the geerl character and history of the prisoner

Section 20 It shall be the duty of all prison officials at all reasonable times to grant access to any prisoner whom the board has power to parole to the members of said board or its properly accredited representatives and all prison officials shall at all times provide for the board or its properly accredited representatives facilities for communicating with and observing such prisoner while imprisoned and shall furnish to the board from time to time such reports concerning the conduct of prisoners in their custody as the board shall by general rule or special order require together with any other facts deemed pertinent in aiding the board to determine whether such prisoners shall be paroled

Section 21 The board is hereby authorized to release on parole any convict confined in any penal institution of this Commonwealth as to whom power to parole is herein granted to said board except convicts condemned to death or serving life imprisonment whenever in its opinion the best interests of the convict justify or require his being paroled and it does not appear that the interests of the Commonwealth will be injured thereby If at the time a person is paroled he has been imprisoned for a period in excess of one-half of the maximum term of imprisonment to which he shall have been sentenced the period of parole may be extended by the board beyond such maximum term but in no case in excess of the maximum sentence provided by law for the offense for which he shall have been sentenced The power to parole herein granted to the Board of Probation and Parole may be exercised in its discretion at any time after sentence is imposed regardless of any minimum term of imprisonment fixed by the court in its sentence Said board shall have the power during the period for which a person shall have been sentenced to recommit one paroled for violation of the terms and conditions of his parole and from time to time to reparole and recommit in the same manner and with the same procedure as in the case of an original parole or recommitment if in the judgment of the said board there is a reasonable probability that the convict will be benefitted by again according him liberty and it does not appear that the interests of the Commonwealth will be injured thereby

Section 22 The board shall have the power to grant paroles of its own motion phenever in its judgment the interests of justice require the granting of the same In addition thereto the board shall have the power and it shall be its duty to consider applications for parole by a prisoner or by his attorney relatives or friends or by any person properly interested in the matter Hearings of applications shall be held by the board whenever in its judgment hearings are necessary Reasonable rules and regulations shall be adopted by the board for the presentation and hearing of applicants for parole and no application for parole shall be granted without a public hearing of the same but the board may grant paroles of its own motion without public hearing Provided however That whenever any prisoner is paroled by the board whether of its own motion or after hearing of an application therefor a brief statement of the reasons for the board's action shall be filed of record in the offices of the board and shall be at all reasonable times open to public inspection It shall not be necessary in granting paroles for any member of the board to personally see and interview the prisoner but an application for parole shall not be dismissed unless one member of the board shall have personally seen and heard him in regard thereto within one year prior to the dismissal thereof Applications shall be disposed of by the board within six months of the filing thereof

In granting and revoking paroles and in discharging from parole the members of the board acting thereon shall not be required to personally hear or see all the witnesses and evidence submitted to them for their action but they may act on report submitted to them by their agents and employes together with any pertinent and adequate information furnished to them by fellow members of the board or by others

Section 23 The board shall have the power and it shall be its duty to make general rules for the conduct and supervision of persons heretofore or herafter placed upon parole or upon probation for one year or more by any court in this Commonwealth In addition to the power, to make general rules and regulations hereby granted the board may in particular cases as it deems necessary to effectuate the purpose of probation and parole prescribe special regulations for particular probationers or parolees

Section 24 All general rules and regulations of the board shall be submitted to the Superior Court for its approval and when so approved by the Superior Court shall become the official rules and regulations of the board Written copies of the general rules and regulations governing the conduct of probationers and parolees shall be furnished to each probationer and parolee together with a statement of any special regulations prescribed by the board in his particular case

Section 25 The board shall have power to discharge from parole at any time prior to the expiration of his parole period any parolee whom the board is of opinion will be benefitted by such discharge if the interests of the Commonwealth will not be injured thereby

Section 26 Whenever any person shall be found guilty of any criminal offense except murder in the first degree in any court of this Commonwealth the court shall have the power in its discretion if it believes the character of the person and the circumstances of the case to be such that he is not likely again to engage in a course of criminal conduct and that the public good does not demand or require the imposition of a sentence to imprisonment instead of imposing such sentence to place the person on probation for such definite period as the court shall direct not exceeding the maximum period of imprisonment allowed by law for the offense for which such sentence might be imposed

Section 27 Paroles from imprisonment for less than one year shall be granted by the sentencing court and shall together with probations for like periods be without supervision unless the court shall by special order direct supervision of a particular probationer or parolee in which case his probation or parole as the case may be shall be supervised by the board herein established

Section 28 Whenever in the opinion of the board any person placed on probation by any court of this Commonwealth for a period of one year or more shall have committed such a violation of his probation that the same is liable to or should be revoked the said board shall cause such probationer to be brought for hearing before the court by which the sentence to probation was imposed If after hearing the court determines that the probationer has violated any condition of his probation it may pronounce upon him such sentence as may be prescribed by law to begin at such time as the court may direct In all cases of violation of probation the alleged violator shall be subject to arrest as in the case of an escaped convict

Section 29 Probation and parole officers appointed by the board are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest without warrant writ rule or process any parolee or probationer for failing to report as required by the terms of his probation or parole or for any other violation thereof

Section 30 The board shall appoint and employ a sufficient number of women as probation and parole officers and supervisors to act as such for the women over whom it shall have power and jurisdiction and no person of one sex shall be paroled in charge of a probation or parole officer of the opposite sex

Section 31 In fixing compensation for its officers clerks and employes under the provisions of this act the board shall have regard to the kind grade or class of service to be rendered and whenever any standard compensation has been fixed by the executive board of the Commonwealth for any kind grade or class of service or employment the compensation of all persons appointed or em-

ployed by the board in the same kind grade or class shall be fixed by it in accordance with such standard

Section 32 Wherever in this act the masculine is used it shall include the feminine

Section 33 Anything herein contained to the contrary notwithstanding this act shall not apply to persons sentenced to imprisonment in the State Industrial Home for Women at Muncy the Pennsylvania Industrial School house or refuge for boys or girls institutions for the discipline or correction of juveniles under the age of sixteen years or persons imprisoned in any county jail workhouse or other penal or correctional institution under sentence by an alderman justice of the peace or magistrate or committed in default of payment of any fine or of bail

Section 34 The provisions of this act are hereby extended to all persons who at the effective date hereof may be on probation or parole or liable to be placed on probation or parole under existing laws with the same force and effect as if this act had been in operation at the time such persons were placed on probation or parole or became liable to be placed thereon as the case may be

Section 35 The act of the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1182) entitled "An act providing the procedure and the powers of the State Board of Pardons and Boards of Trustees of Penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation" and the act of the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1184) entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole" and the act of the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" and the act of the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1059) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" are hereby repealed All acts and parts of acts inconsistent with this act are hereby repealed

Section 36 It shall be the duty of the Superior Court to appoint the members of the board on or before the first day of October one thousand nine hundred and thirty-nine The board as so constituted shall immediately thereafter set up the system herein provided for and make the necessary appointments of its officers clerks and employes and this act shall become effective in all respects on the first day of March one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 152, the bill just read, be recommitted to the Committee on Judiciary General, for the purpose of further study.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 156, as follows:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred and seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twelfth day of June one thousand nine hundred and seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages" is hereby repealed absolutely

And said bill having been read the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 274, as follows:

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class providing for their office office supplies and clerical assistance and providing for their compensation and the payment of the same by the county.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all counties of the second class in this Commonwealth wherein the office of fire marshals deputies and assistant fire marshals shall have been established under existing laws the salaries to be paid such marshals deputies and assistant fire marshals shall be fixed by the salary board of said counties

Section 2 The salaries herein authorized shall be provided for by the county commissioners and paid semi-monthly out of the county treasury

Section 3 The county commissioners in all counties of the second class in this Commonwealth wherein the office of fire marshal shall have been established under existing laws shall provide said fire marshal with suitable offices and shall pay or cause to be paid out of the treasuries of said counties all the cost of maintenance thereof including clerk and stenographer hire and all necessary supplies stationery postage and other incidental expenses

Section 4 All acts or parts of acts general special or local inconsistent herewith are hereby repealed

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 340, (House Bill No. 172), entitled:

(House No. 172) An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred forty-one) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to the matter to be printed in the Legislative Journal

And said bill having been read at length the second tim and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 443, (House Bill No. 498), on second reading, entitled

An Act to amend sections two and five of the act approved the first day of July one thousand nine hundred nineteen (Pamphlet Laws seven hundred seventeen) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 576, (House Bill No. 895), entitled:

An Act to amend section 402 of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled, "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing a method for the valuation of real property for taxation purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 585, as follows:

An Act to amend clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide fire hydrants and hose to pay for and maintain the same by tax levy or from revenues derived from the general road tax

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

III Contracts Payments or Tax Levy for Fire Purposes On the Petition of the owners of a majority of the lineal feet frontage along any highways streets roads and alleys or portion thereof in any village within the township to enter into contract with water companies for the placing of fire hydrants along said highways streets roads and alleys for the protection of property from fire

The supervisors shall levy for the maintenance of such fire hydrants and for the purchase of hose et cetera an annual tax upon the property abutting said highways streets roads and alleys in the district benefited thereby based upon the assessment for county purposes or the supervisors may pay for the same from revenues derived from the general road tax If the supervisors shall levy an annual tax such tax shall be collected in the same manner as other taxes The collector shall receive the same commission as on the road tax

The township treasurer shall receive all such taxes collected for fire protection and keep the same in a separate account and pay the same out only upon orders signed by the chairman of the board of supervisors attested by the secretary The treasurer shall make a report to the auditors of the township annually

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 619, (House Bill No. 305), entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 687, as follows

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Except as hereinafter provided the county

treasurer of every county except counties of the first class shall adjourn or readjourn to the first Monday of August one thousand nine hundred forty-one all tax sales on seated and unseated lands for nonpayment of taxes Where any such tax sales are adjourned or readjourned after advertisement no additional advertisement and notice shall be necessary for such adjourned or readjourned sale No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act

Section 2 The county treasurer of every such county may hold such tax sales of land upon which taxes assessed and levied for the year one thousand nine hundred thirty-one and prior years are a lien any time during the year one thousand nine hundred forty on a day fixed by him and lands upon which taxes assessed and levied for the years one thousand nine hundred thirty-two one thousand nine hundred thirty-three and one thousand nine hundred thirty-four are a lien any time during the year one thousand nine hundred and forty-one on a day fixed by him prior to the first Monday of August thereof When such date for sale has been fixed by the treasurer notice thereof shall be sent by registerd mail to all persons named in each of said lien informing them of said sale and requesting payment of such taxes due thereon Such notice shall be deemed sufficient

Section 3 Any person desiring to pay such taxes shall be relieved from the payment of all penalties and interest thereon if settlement is made before such sale by the payment of the face amount of the taxes due and the costs accrued

Section 4 This act shall have no force or effect upon any tax sale held prior to the approval hereof

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 702, as follows

An Act to repeal the act approved the second day of May one thousand nine hundred and seven (Pamphlet Laws 157) entitled "An act requiring all newspapers published in this Commonwealth to print in a conspicuous place in every issue the names of the owners proprietors or publishers and the managing editors of the same and making a violation of this act a misdemeanor and fixing the penalty therefor"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of May one thousand nine hundred and seven (Pamphlet Laws 157) entitled "An act requiring all newspapers in this Commonwealth to print in a conspicuous place in every issue the names of the owners proprietors or publishers and the managing editors of the same and making a violation of this act a misdemeanor and fixing the penalty therefor" is hereby repealed

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 772, (House Bill No. 1064), on second reading, entitled:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 782, (House Bill No. 964), entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 792, as follows:

An Act to amend sections three hundred ten and three hundred eleven of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by providing for monthly returns and payments by issuing agents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three hundred ten and three hundred eleven of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 310 Issuing Agents to Keep Record and Make Report Each issuing agency of this Commonwealth shall keep a correct and complete record of all resident and nonresident hunters' licenses issued by him Each issuing agent shall at the close of each month forward a monthly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous month in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General

Section 311 Agents to Collect and Remit License Fees Reports Compensation The agents designated by the Department of Revenue for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be agents of the Department of Revenue be allowed to retain not to exceed the sum of ten cents from the amount paid for each resident hunter's license and not to exceed twenty-five cents from the amount paid for each non-resident hunter's license which amount shall be full compensation for services rendered by them under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law Each issuing agent shall remit all balances arising from this source at the end of each month to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which monthly remittance shall be accompanied by a copy of the list of licenses issued during the previous month All such moneys shall be placed in the Game Fund by the State Treasurer

Every agent designated to issue hunters' licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars ($1,000.00) before the annual supply of licenses is delivered to him

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunters' licenses shall not be entitled to retain the sum hereinbefore fixed for his services but such sums shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 794, as follows:

An Act to further amend sections two hundred twenty-three two hundred twenty-four and two hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundaries lakes and boundary rivers of the Commonwealth" by providing for monthly returns and payments by issuing agents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two hundred twenty-three two hundred twenty-four and two hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundaries lakes and boundary rivers of the Commonwealth" as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2643) are hereby further amended to read as follows

Section 223 Issuing Agent's Record Every issuing agent of this Commonwealth shall keep on a printed form supplied by the Department of Revenue a correct and complete record of all resident and non-resident fishing licenses issued by him Every issuing agent shall cause to be entered on such printed form at the close of each [week] month the name and place of residence of each individual to whom a license shall have been issued that [week] month Such printed form shall be available at reasonable hours for the inspection of any officer of the Commonwealth whose duty it is by law to protect the fish in the waters of this Commonwealth or in the waters bounding or adjacent thereto or of any representative of the Department of Revenue or of any representative of the Department of the Auditor General

Section 224 Monthly Returns of Licenses Issued by Issuing Agents Every issuing agent of this Commonwealth shall each month forward to the Department of Revenue a complete list of the resident and non-resident licenses granted with the names and addresses of the licensees on forms to befurnished by the Department of Revenue

Section 225 Issuing Agents to Be Agent of the Commonwealth Monthly Payment to State Treasurer Duplicate Report The issuing agents in the several counties shall be agents of the Commonwealth for the collection of said license fees unless and until the Department of Revenue shall determine with the approval of the Governor to issue all of said licenses directly Provided That the Department of Revenue may recall the appointment of any agent at any time with or without cause and shall recall the appointment of any agent either upon receipt of evidence that such agent has not complied with the requirements of this act or upon receipt of a recommendation from the Commissioner of Fisheries that such agent be recalled because of carelessness in the issuance of licenses For services rendered in collecting and paying over the said fees the said issuing agents as long as they continue to act in that capacity shall be allowed to retain the sum of ten cents (10c) for each resident and non-resident fishing license which amount shall be full compensation for services rendered by them under the provisions of this act Such compensation shall be retained by the respective issuing agents said compensation to cover among other things the cost of issuing licenses postage mailing returns and bonding of said agents

All license fees except said agent's fees paid to an issuing agent under this act shall be by such agent paid into the State Treasury through the Department of Revenue at least once a month to be applied to the purposes hereinafter provided Such issuing agent shall make a return to the Department of Revenue upon a form to be supplied by the Department of Revenue and shall in all such cases forward a duplicate of such report to the Commissioner of Fisheries at Harrisburg

Every agent designated to issue fishing licenses unless already under bond to the Commonwealth in connection with public fund shall give bond to the Commonwealth in the sum of one thousand dollars ($1,000) before the annual supply of licenses is delivered to him

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 929, as follows:

An Act to further amend sections one thousand two hundred one one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes substitutes and temporary employes and further regulating the employment dismissal suspension demotion and retirement of such employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one thousand two hundred one of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the sixth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 213) are hereby further amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified professional employes substitutes and temporary employes to keep the public schools open in their respective districts in compliance with the provisions of this act

The term "professional employe" as used in this act shall include teachers supervisors supervising principals principals directors of vocational education dental hygienists visiting teachers attendance officers who have served at least three years school secretaries business office secretaries and secretaries to the professional staff who have served at least three years and those hereafter selected on the basis of merit as determined by eligibility lists school nurses who have served at least three years and those hereafter selected who are certified [who are certified as teachers] and any regular full-time employe of a school district who is duly certified as a teacher

The term "substitute" shall mean any individual who has been employed to perform the duties of a regular professional employe during such period of time as the said regular professional employe is absent on sabbatical leave or for other legal cause authorized and approved by the board of school directors

The term "temporary employe" shall mean any individual who has been employed to perform for a limited time the duties of a newly created position or of a regular professional employe whose services have been terminated by death resignation suspension or removal

It shall be the duty of the county superintendent of schools or the district superintendent as the case may be to notify each temporary employe at least twice each year during the period of his or her employment of the professional quality and professional progress of his or her services A temporary employe whose work has been certified by the county superintendent of schools or the district superintendent to the secretary of the school district during the last four months of the second year of such service as being satisfactory shall thereafter be a professional employe" within the meaning of this act The attainment of this status shall be recorded in the records of the board and written notification thereof shall be sent also to the said employe The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes in section one thousand two hundred five (1205) of this act

Temporary employes shall for all purposes except tenure status be viewed in law as full time employes and shall enjoy all the rights and privileges of regular full-time employes and the Commonwealth shall pay to the school district for each temporary employe the same per centum or share of salary provided by law as in the case of professional employes and in cases of temporary employes of approved local or joint vocational industrial vocational home economies and vocational agricultural schools or departments the school district shall be reimbursed as provided by law for each of their full time salaries just as though they were professional employes Such reimbursement from the Commonwealth shall not be made for substitutes except in cases of sabbatical leave

Section 2 Section one thousand two hundred five of said act as amended by the act approved the sixth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 213) is hereby further amended to read as follows

Section 1205 In all school districts all contracts with professional employes shall be in writing in duplicate and shall be executed on behalf of the Board of School Directors (or Board of Public Education) by the president and secretary and signed by the professional employe

Each Board of School Directors (or Board of Public Education) in all school districts in this Commonwealth shall hereafter enter into contracts in writing with each professional employe who has satisfactorily completed two years of service in any school district of this Commonwealth Said contracts shall contain only the following

"It Is Agreed By and between .....Professional Employe and the Board of Directors (or Board of Public Education) of the school district of .....Pennsylvania that said professional employe shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principal teach in the said school district for a term of.....months for an annual compensation of $ .....payable monthly or semi-monthly during the school term or year less the contribution required by law to be paid to the Teachers' Retirement Fund and less other proper deductions for loss of time

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and the amendments thereto

"And It Is Further Agreed by the parties hereto that none of the provisions of this act may be waived either orally or in writing and that this contract shall continue in force year after year with the right of the Board of School Directors (or Board of Public Education) to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district subject to the provisions of law without invalidating any other provision of this contract unless terminated by the professional employe by written resignation presented sixty days before resignation becomes effective or by the Board of School Directors (or Board of Public Education) by official written notice presented to the professional employe Provided that the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employe within ten days after receipt of the termination notice presents a written request for such a hearing"

(a) The only valid causes for termination of a contract entered into with a professional employe in accordance with the provisions of this section shall be immorality incompetency intemperance cruelty persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe

In determining whether a professional employe shall be dismissed for incompetency the professional employe shall be rated in terms of personality preparation technique and pupil reaction in accordance with standards and regu-

lations for such scoring as defined by standard rating cards prepared by the Department of Public Instruction

Nothing within the foregoing enumeration of causes however shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability or the election by professional employes to retire during the period of voluntary retirement or the authority of the Board of School Directors (or the Board of Public Education) to require professional employes to retire during said period of voluntary retirement or the compulsion on the part of professional employes to retire at the attainment of age seventy Provided however that no teacher shall be retired under the provisions of this section prior to the first day of January one thousand nine hundred forty-two who has not attained to the age of sixty-six years at the time of retirement

Any Board of School Directors (or Board of Public Education) may suspend the necessary number of professional employes for the causes hereinafter enumerated

(1) Substantial decrease in pupil enrollment in the school district

(2) Curtailment or alteration of the educational program on recommendation of the superintendent concurred in by the Board of School Directors (or Board of Public Education) approved by the Department of Public Instruction as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction

(3) Consolidation of schools whether within a single district through a merger of districts or as a result of joint board agreements when such consolidation makes it unnecessary to retain the full staff of professional employes

Whenever a Board of School Directors (or Board of Public Education) decreases the size of the staff of professional employes under the provisions of this act the suspensions to be made shall be determined by the county superintendent of schools or the district superintendent as the case may be on the basis of efficiency rank determined by ratings in accordance with standards and regulations determined by standard rating cards prepared by the Department of Public Instruction It shall hereafter be the duty of Boards of School Directors to cause to be established a permanent record system containing at least two ratings per year for each teacher employed within the district and at least once each year copies of all ratings for the year shall be transmitted to the teacher No teacher shall be dismissed under this act unless such rating records have been kept on file by the Board of School Directors

No employe suspended as aforesaid shall be prevented from engaging in other occupation during the period of such suspension Such professional employes shall be reinstated in the inverse order of their suspension No new appointment shall be made while there are suspended professional employes available who are properly certified to fill such vacancies

(c) All hearings under the provisions of this section or any other section of the school laws pertaining to the dismissal or the termination of contracts of professional employes shall be public unless otherwise requested by the party against whom the complaint is made

(d) Before any professional employe having attained a status of permanent tenure is dismissed or refused reelection by the Board of School Directors (or Board of Public Education) the secretary of the school district shall furnish such professional employe with a detailed written statement of the charges upon which his or her dismissal or refusal of reelection is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such professional employe will be given an opportunity to be heard either in person or by counsel or both before the Board of School Directors (or Board of Public Education) Such hearing shall not be sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused professional employe and his or her witnesses shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the Board of School Directors (or Board of Public Education)

(e) The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made If any person shall refuse to appear and testify in answer to any subpoena issued by the board any party interested may petition the court of common pleas of the county setting forth the facts which court to appear before it there to testify as to the matters shall thereupon issue its subpoena commanding such person being inquired into Any person refusing to testify before the court shall be held for contempt All testimony at any hearing shall be taken under oath and any member of the Board of School Directors (or Board of Public Education) shall have power to administer oaths to such witnesses

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the Board of School Directors (or Board of Public Education) shall by a two-thirds vote of all the members thereof to be recorded by roll call determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints and in accordance with such determination shall discharge demote or refuse to reelect or retain such professional employe or shall dismiss the complaint

(g) No member of any Board of School Directors (or Board of Public Education) shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the professional employe involved or to any of the parties instituting the complaint

(h) A written notice of any decision of the Board of School Directors (or Board of Public Education) discharging or refusing to reelect a professional employe shall be sent by registered mail to such professional employe at his or her last known address within ten (10) days after such hearing is actually concluded

(i) In all cases where the final decision is in favor of the professional employe the charges made shall be physically expunged from the records of the Board of School Directors (or Board of Public Education) and in all such cases there shall be no abatement of salary or compensation but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made

(j) In case the professional employe concerned considers him or herself aggrieved by the action of the Board of School Directors (or Board of Public Education) an appeal by petition setting forth the grounds for such appeal may be taken to the Superintendent of Public Instruction at Harrisburg Such appeal shall be filed within thirty (30) days of receipt by registered mail or the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board (or Board of Public Education) [considers just either affirming or reversing the action of the Board of School Directors and stating plainly whether the professional employe is to be discharged refused re-election or is to be retained]

The Superintendent of Public Instruction shall fix a day and time for hearing which shall be not sooner than ten (10) days nor more than thirty (30) days after presentation of such petition and shall give written notice to all parties interested

The Superintendent of Public Instruction shall review the official transcript of the record of the hearing before the Board and may hear and consider such additional testimony as he may deem advisable to enable him to make a proper order At said hearing the litigants shall have the right to be heard in person or by counsel or both

After hearing and argument and reviewing all the tes-

timony filed or taken before him the Superintendent of Public Instruction shall enter such order either affirming or revising the action of the board of school directors as to him appears just and proper

The ruling or decision of the Superintendent of Public Instruction shall be final unless within thirty (30) days after receipt by registered mail of written notice of the decision or order of the Superintendent of Public Instruction an appeal which may be taken by either party is taken therefrom to the Court of Common Pleas of a county in which the district is located A copy of such appeal shall be filed in writing in the office of the prothonotary in the county and a copy shall be served on the Superintendent of Public Instruction either by filing the said notice of appeal in the office of the Superintendent of Publib Instruction or by delivering the same to the deputy whether general or special before whom the hearing in the case was held

When appeal is taken from the decision of the Superintendent of Public Instruction to the county court the judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing by the court which shall not be sooner than ten (10) days nor more than twenty (20) days after the presentation of such hearing shall be de novo Upon the hearing of said petition the court shall make whatever order it considers just either affirming or reversing the action of the Superintendent of Public Instruction and stating plainly whether the professional employe is to be discharged refused re-election or is to be retained

Section 3 No provision of this act shall be construed as requiring any professional employe now under contract to serve any period of probation or to require or authorize any school district to deprive any present professional employe of any of the rights benefits or privileges herein accorded regular full time professional employes

Section 4 The provisions of this Act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court as to those provisions shall not affect the validity of the remaining provisions of this Act It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision or provisions not been included herein

Section 5 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 930, as follows:

An Act to further amend section four hundred four of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section four hundred four of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section nine of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 404 The board of school directors in every school district in this Commonwealth may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper regarding the management of its school affairs and the conduct and deportment of all superintendents teachers and other appointees or employes during the time they are engaged in their duties to the district including the prohibition of conduct which so flagrantly violates the ethical or moral standards of the community as to impair the professional usefulness of employes of the said district as well as regarding the conduct and deportment of all pupils attending the public schools in the district during such time as they are under the supervision of the board of school directors and teachers including the time necessarily spent in coming to and returning from school

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS POSTPONED

Mr. OWLETT. Mr. President, I move that Senate Bills Nos. 340, 443 and 772, be placed on the postponed Calendar for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, May 8, 1939 at 8:00 o'clock, p. m., E. S. T.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:02 o'clock, p. m., until Monday, May 8, 1939, at 8:00 o'clock, p. m., E. S. T.

HOUSE OF REPRESENTATIVES

FRIDAY, May 5, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our Father and our God, to whom we are responsible for each new born day, hear and consider our prayer.

Continue Thine administrations of love and mercy toward us. And bring all our deliberations and actions into full harmony with Thy will. Grant us the help of Thy spirit which exalts, enriches, and purifies our thoughts and motivates our wills. May we never fail our country, its government, or its institutions in our sacrificial devotion. Enable us to plan and think and work together for the growing prosperity and the crowning glory of our state and nation. May our patriotic devotion to glorify the Stars and Stripes be as our Lord's devotion to glorify the Cross of Calvary.

In His name we make our prayer. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. CORDIER, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. HAINES. HOUSE BILL No. 1455.

An Act authorizing the Department of Property and Supplies to acquire, repair and restore an historic shrine in Centre County, Pennsylvania, conferring certain powers and duties on the Pennsylvania Historical Commission and making appropriations.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. WILKINSON and KOWALSKI.

RESOLUTION No. 77.

In the House of Representatives, May 4, 1939.

Announcement has but recently been made of the designation by the President of Admiral Harold Raynsford Stark as Chief of Naval Operations of the United States.

Born in the city of Wilkes-Barre on November 12, 1880, Admiral Stark graduated from the United States Naval Academy at Annapolis, Maryland in 1903 and was commissioned an Ensign in the United States Navy.

He was promoted through the various grades and was commissioned a Rear Admiral November 2, 1934.

Admiral Stark was aide on the staff of Admiral Sims commanding the Naval forces in European waters from 1917 to 1919, inspector in charge of ordnance, Naval Proving Ground, Dahlgreen, Va., and Naval Powder Factory, Indian Head, Md., 1925-1928, aide on staff and chief of staff Destroyer Squadron, Battle Fleet, 1928-30, aide to Secretary of Navy 1930-33, Commander U. S. S. West Virginia, 1933-34, Chief of Bureau of Ordnance, Navy Department 1934-37, Commanding Cruiser Division U. S. Fleet since 1937.

He has been decorated with the Mexican Campaign Medal, World War Medal, U. S. Distinguished Service Medal and Order of Crown of Italy.

Admiral Stark is another son of Pennsylvania who has by his splendid record brought additional honor to his native state; therefore be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that we, the members of this House, jointly proud of his advancement to the highest obtainable position in the Naval forces of our Nation, hereby extend our heartiest congratulations to Admiral Stark and direct the Chief Clerk of this House to immediately transmit a copy of this resolution to him at the Navy Department, Washington, D. C.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 140. (HOUSE BILL No. 1456.)

An Act affecting cities of the second class A authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county board of elections and officers of boroughs townships and cities of the second class A and providing for the payment of the indebtedness of the various territorial units involved.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 561. (HOUSE BILL No. 1457.)

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments.

Referred to the Committee on Cities—Second Class.

SENATE BILL No. 158. (HOUSE BILL No. 1458.)

An Act to amend section one thousand two hundred six of and to add section one thousand two hundred six and one-tenth to the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certaain acts and parts of acts relating to elections" by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election and imposing additional duties upon the counsels for the county boards of elections.

Referred to the Committee on Elections.

SENATE BILL No. 169. (HOUSE BILL No. 1459.)

An Act relating to parks, farms, glens, or picnic grounds owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of aldermen and justices of the peace thereto.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 205. (HOUSE BILL No. 1460.)

An Act to carry into effect section one of article fifteen of the Constitution giving cities other than cities of the first and second classes the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities.

Referred to the Committee on Cities—Third Class.

SENATE BILL No. 235. (HOUSE BILL No. 1461.)

An Act to repeal the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicles dealers and salesmen and approved motor vehicle appraisers and the payment of

fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providing for appeals to the courts from decisions of the commission imposing penalties and making appropriations" and abolishing the motor vehicle dealers' commission and terminating the term of its members.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 332. (HOUSE BILL No. 1462.)

An Act to amend section one of the act approved the twenty-fourth day of March one thousand nine hundred and five (Pamphlet Laws 50) entitled "An act to reorganize the Board of Trustees of The Pennsylvania State College" making the Secretary of Mines an ex officio member of the Board of Trustees of the Pennsylvania State College.

Referred to the Committee on State Government.

SENATE BILL No. 336. (HOUSE BILL No. 1463.)

An Act authorizing counties to convey or lease property needed or convenient as a site for a county court house to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority.

Referred to the Committee on State Government.

SENATE BILL No. 337. (HOUSE BILL No. 1464.)

An Act to further amend section four of and to add section 9.3 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from counties and the leasing of projects by the Authority to counties.

Referred to the Committee on State Government.

SENATE BILL No. 419. (HOUSE BILL No. 1465.)

An Act to amend Section 202 of and add a new section 425A to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction

Referred to the Committee on State Government.

SENATE BILL No. 420. (HOUSE BILL No. 1466.)

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties cities boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and repealing certain acts and parts thereof.

Referred to the Committee on State Government.

SENATE BILL No. 458. (HOUSE BILL No. 1467.)

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock.

Referred to the Committee on Railroads and Railways.

SENATE BILL No. 492. (HOUSE BILL No. 1468).

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof.

Referred to the Committee on Insurance.

SENATE BILL No. 642. (HOUSE BILL No. 1469).

An Act to further amend Section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents" by making further provisions

for the investment of trust funds in interest-bearing deposits.

Referred to the Committee on Judiciary General.

SENATE BILL No. 759. (HOUSE BILL No. 1470).

An Act to amend section one of the act approved the seventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws 158) entitled "An act creating a Legislative Reference Bureau providing for the election of a director by the General Assembly designating the officers and employes of such bureau defining their duties fixing their salaries abolishing the present Legislative Reference Bureau and making an appropriation" providing for the location of the bureau.

Referred to the Committee on State Government.

SENATE BILL No. 808. (HOUSE BILL No. 1471).

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" extending provisions to include boroughs incorporated towns or townships and for taking over or building such connecting roads not exceeding one mile in length.

Referred to the Committee on Highways.

SENATE BILL No. 636. (HOUSE BILL No. 1472).

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays.

Referred to the Committee on Banking.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 370.

An Act to further amend section six of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403) entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," to change the duration of the period within which certain bequests or devises are void.

HOUSE BILL No. 1165.

An Act to further amend section four of the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions." allowing pensions to certain persons heretofore or hereafter dismissed.

HOUSE BILL No. 738.

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls.

HOUSE BILL No. 755.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

HOUSE BILL No. 967.

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

HOUSE BILL No. 972.

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases.

HOUSE BILL No. 900.

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine, and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; providing for delinquent tax collectors for the collection of taxes; and repealing a certain inconsistent section.

HOUSE BILL No. 1193.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

HOUSE BILL No. 1212.

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

HOUSE BILL No. 1074.

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act

creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and term of members further defining their powers and duties and terminating the terms of members now in office

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 374.

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawul for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

With the information that the Senate has passed the same with amendments, in which the concurrence of the Hous of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 1, by inserting a light-faced bracket before the word "Auditor"; also same line by inserting a light-faced bracket after the word "General"; also same line by inserting after the word "General" the words "Department of Revenue"; also same page, line 4, by inserting a light-faced bracket before the word "Auditor"'; also same line by inserting a light-faced bracket after the word "General"; also same line by inserting after the word "General" the words "Department of Revenue"; also same page, line 10, by inserting a light-faced bracket before the word "Auditor"; also at the beginning of line 11, by inserting a light-faced bracket after the syllable "eral"; also same line by inserting after the syllable "eral" the words "Department of Revenue"; also same page, line 17, by inserting a light-faced bracket before the word "Auditor"; also same page, line 18, by inserting a light-faced bracket after the word "General"; also same line, by inserting after the word "General" the words "Department of Revenue."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—120

Ackermann,	Ewing,	Leydic,	Royer,
Andrews,	Falkenstein,	Lichtenwalter,	Sarge,
Baker,	Fauset,	Long,	Sarraf,
Balliet,	Foor,	Lovett,	Schrock,
Balthaser,	Freed,	Lyons,	Schrope,
Bardes,	Fullerton,	Malloy,	Serrill,
Bennett,	Furman,	Matthews,	Shearer,
Boney,	Gates,	McClester,	Simons,
Boorse,	Gillan,	McGarrity,	Sloan,
Boose,	Habbyshaw,	McLane,	Stambaugh,
Bower,	Haines,	McVay,	Stank,
Broad,	Hall,	Melchiorre,	Stewart,
Bronson,	Harbeson,	Montgomery,	Stockham,
Brown, S. W.,	Henry,	Moran,	Tarr,
Burns,	Hewitt,	Moser, F. S.,	Taylor,
Burris,	Hocke,	Moser, J. L.	Thistle,
Cadwalader,	Holland,	Muir,	Thompson, G.R.,
Carpenter,	Hoyt,	Munley,	Tiemann,
Check,	Huntley,	O'Dare,	Tronzo,
Christler,	Imbrie,	Peale,	Wagner,
Clark,	Johnston,	Preston,	Walsh,
Clearwater,	Jones,	Reagan,	Welsh, E. B.,
Cooper,	Kane,	Reese, D. P.,	Welsh, M. J.,
Cordier,	Keenan,	Rider,	Wilkinson,
Corrigan,	Kenehan	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Woodside,
Dick,	Krise,	Rose,	Yeakel,
Dix,	Lee,	Roseberry,	Turner,
Donahue,	Leisey,	Rothenberger,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 433.

An Aet to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

SENATE BILL No. 268.

An Act to amend paragraph (c) of section four hundred nine paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited ex-

tent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations, subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossing of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resulting costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

QUESTION OF PRIVILEGE

Mr. ANDREWS. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Cambria will state his question of privilege.

Mr. ANDREWS. Mr. Speaker, the matter will be submitted for the consideration of the Speaker, and for the consideration of the House.

Custom, Mr. Speaker, is the greatest law; indeed, custom is law. We build up certain lines of procedure in this House, an honorable tradition, a tradition which no member of this body, not even the Speaker, is privileged to violate.

Whether or not the Speaker is guilty of discourtesy to the membership, is the matter I submit.

Indeed, I raise the question of whether he can with propriety preside today. On all previous occasions, from the time since the memory of man runneth not to the contrary, the Speaker of this House has appeared properly appareled with a carnation in his buttonhole. That carnation was a tribute, not only to the asthetic sense of this membership, but I have no doubt was also a tribute to the galaxy of beauty which surrounds the membership of this House, and for you, Mr. Speaker, simply because there are only a few members here, to appear without your carnation, I raise the question of whether the Speaker has been intentionally discourteous to the membership.

The SPEAKER. The Chair feels that he is sufficiently embarrassed without any reference being made by the gentleman from Cambria, Mr. Andrews. It was only when the Speaker arrived on the second floor this morning, in the rush to be here at the minute of twelve, that he discovered that the apparel he usually carries was lacking. It was too late to secure one. The florist evidently had forgotten his standing order. Therefore, the Speaker slunk into the House feeling just the same as if he had come with only parts of his dress.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 243.

An Act regulating the selection, drawing, and summoning of all jurors and talesmen, in counties of the third class, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, regulating the procedure if array is quashed; providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 5, page 6, line 26, by striking out the words "clerk of the jury board" and inserting in lieu thereof the words "sheriff of the county"; also page 7, line 1, by striking out the words "the clerk of the jury board" and inserting in lieu thereof the words "the sheriff of the county."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows,viz:

YEAS—125

Ackermann,	Downey,	Lee,	Rothenberger,
Andrews,	Ely,	Leisey,	Royer,
Baker,	Ewing,	Leydic,	Sarge,
Balliet,	Falkenstein,	Lichtenwalter,	Sarraf,
Balthaser	Fauset,	Long,	Schrock,
Bardes,	Foor,	Lovett,	Schrope,
Bennett,	Freed,	Lyons,	Serrill,
Boney,	Fullerton,	Malloy,	Shearer,
Boorse,	Furman,	Matthews,	Simons,
Boose,	Gates,	McClester,	Sloan,
Bower,	Gillan,	McGarrity,	Stambaugh,
Brancato,	Habbyshaw,	McLane,	Stank,

Broad,	Haines,	McVay,	Stewart,
Bronson,	Hall,	Melchiorre.	Stockham,
Brown, S. W.,	Harbeson,	Montgomery,	Tarr,
Burns,	Henry,	Moran,	Taylor,
Burris,	Hewitt,	Moser, F. S.,	Thistle,
Cadwalader,	Hocke,	Moser, J. L.,	Thompson, G.R.,
Carpenter,	Holland,	Muir,	Tiemann,
Check,	Hoyt,	Munley,	Tronzo,
Christler,	Huntley,	O'Dare,	Wagner,
Clark,	Imbrie,	Peale,	Walsh,
Clearwater,	James,	Preston,	Welsh, E. B.,
Cooper,	Johnston,	Reagan,	Welsh, M. J.,
Cordier,	Jones,	Reese, D. P.,	Wilkinson,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Wood, H. M.,
Dalrymple,	Kenehan	Robertson,	Wood, N.,
DeNote,	Kline,	Rooney,	Woodside,
Dick,	Knoble,	Rose	Yeakel,
Dix,	Krise,	Roseberry,	Turner,
Donahue,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 356.

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death, and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, Page 1, line 8, by inserting after the word "promisor" the words "The thirty day periods provided for in this act shall be so computed as to exclude the first and include the last day thereof".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows,viz:

YEAS—130

Ackermann,	Ely,	Lee.	Sarge,
Andrews,	Ewing,	Leisey,	Sarraf,
Baker,	Falkenstein,	Leydic,	Schrock,
Balliet,	Fauset,	Lichtenwalter,	Schrope,
Balthaser,	Foor,	Long,	Seif,
Bardes,	Freed,	Lovett,	Serrill,
Bennett,	Fullerton,	Lyons,	Shearer,
Boney,	Furman,	Malloy,	Simons,
Boorse,	Gates,	Matthews,	Sloan,
Boose,	Gillan,	McClester,	Stambaugh,
Bower,	Gorski,	McGarrity,	Stank,
Brancato,	Habbyshaw,	McLane,	Stewart,
Broad,	Haines,	McVay,	Stockham,
Bronson,	Hall,	Melchiorre,	Tarr,
Brown, S. W.,	Harbeson,	Montgomery,	Taylor,
Burns,	Haudenshield,	Moran	Thistle,
Burris,	Henry,	Moser, F. S.,	Thompson, G.R.,
Cadwalader,	Hewitt,	Moser, J. L.,	Tiemann,
Carpenter	Hocke,	Muir,	Tronzo,
Check,	Holland,	Munley,	Van Allsburg,
Christler,	Hoyt,	O'Dare,	Wagner,
Clark	Huntley,	Peale,	Walsh,
Clearwater,	Imbrie,	Preston,	Welsh, E. B.,
Cooper,	James,	Reagan,	Welsh, M. J.,
Cordier,	Johnston	Reese, D. P.,	Wilkinson,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Wood, H. M.,
Dalrymple	Keenan,	Robertson,	Wood, N.,
DeNote,	Kenehan,	Rooney,	Woodside,
Dick,	Kline,	Rose,	Yeakel,
Dix,	Knoble,	Roseberry,	Turner,
Donahue,	Kowalski,	Rothenberger,	Speaker.
Downey,	Krise,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 527.

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 21, by striking out the light-faced bracket before the word "but"; also at the beginning of line 24, by striking out the word "forty" and inserting in lieu thereof the word "forty-two"; also at the end of line 25, by striking out the light faced bracket after the word "case".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—130

Ackermann,	Downey,	Leisey,	Sarge,
Andrews,	Ely,	Leydic,	Sarraf,
Baker,	Ewing,	Lichtenwalter,	Schrock,
Balliet,	Falkenstein,	Long,	Schrope,
Balthaser,	Fauset,	Lovett,	Seif,
Bardes,	Foor,	Lyons,	Serrill,
Bennett,	Freed,	Malloy,	Shearer,
Bohn,	Fullerton,	Matthews,	Simons,
Boney,	Furman,	McClester,	Sloan,
Boorse,	Gates,	McGarrity,	Stambaugh,
Boose,	Gillan,	McKinney,	Stank,
Bower,	Gorski,	McLane,	Stewart,
Brancato,	Habbyshaw,	McVay,	Stockham,
Broad,	Haines,	Melchiorre,	Tarr,
Bronson,	Hall,	Montgomery,	Taylor,
Brown, S. W.,	Harbeson,	Moran,	Thistle,
Burns,	Henry,	Moser, F. S.,	Thompson, G. R.,
Burris,	Hewitt,	Moser, J. L.	Tiemann,
Cadwalader,	Hocke,	Muir,	Tronzo,
Carpenter,	Holland,	Munley,	Wagner,
Check,	Hoyt,	O'Dare,	Walsh,
Christler,	Huntley,	Peale,	Watkins,
Clark,	Imbrie,	Preston,	Welsh, E. B.,
Clearwater,	James,	Reagan,	Welsh, M. J.,
Cooper,	Johnston,	Reese, D. P.,	Wilkinson,
Cordier,	Jones,	Rider,	Wilson,
Corrigan,	Kane,	Riley	Wood, H. M.,
Cortese,	Keenan,	Robertson,	Wood, N.,
Dalrymple,	Kenehan,	Rooney,	Woodside,
DeNote,	Kline,	Rose,	Yeakel,
Dick,	Knoble,	Roseberry,	Turner,
Dix,	Krise,	Rothenberger,	Speaker.
Donahue,	Lee,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS PASSED OVER

The SPEAKER. The following bills on first reading are not on file and will be passed over: House Bills Nos. 703, 1126, 1221, 926, 1355, 936, and 785.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1071, entitled:

An Act to amend sections one thousand two hundred four and two thousand five and to repeal section two thousand six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" transferring the certain functions of the Department of Highways to the Department of Internal Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1437, enttiled:

An Act to amend section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 874) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on real estate other than upon unseated lands" providing that a judicial sale for the collection of delinquent taxes shall discharge any mortgage recorded after the effective date of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1296, entitled:

An Act to amend Sections 518 532 and 541 Section 802 as amended Sections 1112 1156 1160 1170 and Subdivision (d) of Article 13 and Sections 1401 and 1525 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" transferring certain functions relating to the affairs of such townships heretofore performed by the Department of Highways to the Department of Internal Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1185, entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employ.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1150, entitled:

An Act to amend paragraph (a) and (b) of section three and section four of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" by changing qualifications of applicants for examination as inspectors and the average to be attained in examinations to be deemed successful.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 138, entitled:

An Act to further amend section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the power and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by requiring certain qualifications for the Adjutant General and providing for the designation of a Deputy Adjutant General as acting Adjutant General under certain circumstances

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 382, entitled:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1378, entitled:

An Act fixing the number compensation mileage and duties of the officers and employes of the House of Representatives and providing for their election or appointment term of office and manner of filling vacancies

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 544, entitled:

A Supplement to the act approved the third day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as re-enacted and amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred twenty-seven) by prohibiting the granting of any further retail dispensers licenses or the renewal or transfer of such licenses after the end of the current license year

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. LYONS. Mr. Speaker, I move that this bill be recommitted to the Committe on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 878, entitled:

An Act to further amend paragraph four of section one and to add new sections two three and four of the act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-five) entitled "An act providing for the registration of bottles boxes siphons siphon-heads tins kegs cans soda-fountains cylinders of carbonic acid gas or other containers and forbidding the refilling of or dealing or trafficking in such registered bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers by persons other than the owners thereof without the written consent of the owner and imposing a penalty therefor providing for the issuing of process in the nature of search warrant providing what shall be prima facie proof thereof and providing that the delivery of said bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers shall not constitute a sale thereof" by providing for imprisonment for violations by providing injunctive relief and including a severability clause

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 903, entitled:

An Act relating to the borrowing of money by certain municipal and quasi-municipal corporations providing the manner of issuance sale and redemption of bonds and notes imposing certain powers and duties upon the Municipal

Funding Commission and the officers of certain municipal and quasi-municipal corporations regulating the manner of funding and refunding obligations of certain municipal and quasi-municipal corporations and amending revising consolidating and changing the law relating thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 791, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing certain restriction as to dams and other projects

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 805, entitled:

An Act prohibiting the sale or offering for sale of the recording of any broadcast without the permission and consent of the person or persons broadcasting same and providing penalties therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 509, entitled:

An Act to amend article four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" regulating and providing for the keeping and auditing of the accounts of moneys collected by the county treasurer for the various taxing units within the county and for payment of such moneys to the said taxing units

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 930, entitled:

An Act to amend section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. JONES. Mr. Speaker, I move that this bill be recommitted to the Committee on Dairy Industries for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 662, entitled:

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1404, (Senate Bill No. 488), entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1441, (Senate Bill No. 415), entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1440, (Senate Bill No. 414), entitled:

An Act authorizing school districts of the first class to fund floating indebtedness incurred prior to December 31 1939 for current expenses and debt service and to issue and sell bonds for this purpose

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1433, (Senate Bill No. 673), entitled:

An Act to amend Section 1 of the act approved the first day of December one thousand nine hundred and thirty-eight (Pamphlet Laws one hundred eleven) entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" by excluding therefrom private wires used for fire and burglar alarm purposes telegraph messenger call boxes and associated circuits time clock circuits and certain telegraph teleprinters

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1013, as follows:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1595) entitled "An act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1595) entitled "An act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts" is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1005, as follows:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such Markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

The General Assembly hereby enacts as follows

Whereas the anthracite coal resources and industry of the Commonwealth are being damaged by reason of the high cost of transporting said anthracite coal to its past and present markets in comparison with other competing fuels transported equal or greater distances to said markets

And Whereas the crippling of this vital Pennsylvania industry by such high transportation cost has not only injured those actively engaged in the anthracite coal industry but also by reason of the widespread unemployment in said anthracite coal industry and on the railroads of Pennsylvania which formerly transported much larger tonnages of said anthracite coal has caused a tremendous burden of relief cost and taxes for public assistance upon the rest of the people of this Commonwealth making the problem one of important general public interest to the solution of which the Commonwealth should exert all its reasonable resources now therefore

Section 1 The Attorney General of the Commonwealth of Pennsylvania is hereby authorized and directed to take such steps as are necessary to resist increases and to secure reductions in freight or transportation charges on Pennsylvania produced anthracite coal from points in Pennsylvania where produced to such points or such areas as may be selected by him as being now or having been heretofore to a large extent served by Pennsylvania produced anthracite coal

And for this purpose the Attorney General is hereby authorized and directed to open new proceedings or in his discretion to intervene on behalf of the Commonwealth or on behalf of the anthracite coal producing industry or the anthracite coal producing people or any or all of them in any other proceeding conducted by private persons or by Governmental officials bureaus departments or agencies to secure such reductions of prevent such increases

Section 2 The authority of the Attorney General is hereby declared to be superior in any such endeavor suit or proceeding to that of any other department official agency or bureau of this Commonwealth except the Governor or the Legislature and he is hereby designated as the official to have supreme charge of any such suit litigation investigation or proceeding unless he shall by document in writing under his hand and seal authorize such supreme charge to be in some other official or department of the Commonwealth

Section 3 The Attorney General shall have power to fully pursue the purposes set forth in this Act and by himself or his deputies to authorize incur and pay the expense of procuring necessary evidence expert witnesses statistics and testimony hiring special counsel of his own selection paying the expenses of his own deputies agents employees and witnesses in any and all such proceedings

and to use any or all of said money hereby appropriated for the purpose hereinbefore set forth at such rates as he may deem advisable during the balance of the year one thousand nine hundred and thirty-nine and during the whole or any part of the three calendar years next ensuing

Section 4 The Attorney General may in his discretion contribute money furnish counsel or furnish evidence to other persons or corporations or counsel conducting proceedings suits or actions for the purposes hereinbefore set forth and for this purpose the sum of one hundred thousand dollars or so much thereof as he may find necessary is hereby appropriated from the General Fund to the Attorney General for the purposes hereinbefore set forth

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This Act shall be known and may be cited as the "Anthracite Coal Reconstruction Transportation Appropriation Act"

Section 7 The sum of one hundred thousand dollars is hereby appropriated from the General Fund to the Attorney General to use so much thereof as is necessary for the purposes of this Act

Section 8 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1211, as follows:

An Act to amend section two of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2772) entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties" creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund providing for the transfer of certain moneys into said fund by the State Treasurer and for the payment of moneys to and the requisition of moneys from said fund by the Bureau of Topographic and Geologic Survey in the Department of Internal Affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2772) entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties" is hereby amended to read as follows

Section 2 All such reports shall be certified by one of the owners of said well or a duly designated official in case of a corporate owner to be true and correct to the best of his or her knowledge and belief and shall be accompanied by a filing fee of five dollars payable to the [Department of Internal Affairs] Bureau of Topographic and Geologic Survey which fee shall be used for the copying filing preserving and mapping of said records and preparing forms for such records and for providing containers and transportation and storage facilities for samples when requested of well owners and for the mapping locations of said wells

The Department of Internal Affairs shall prepare and make available forms for the purpose of furnishing said records to the department at a fee of not to exceed five cents per copy

The Department of Internal Affairs shall file and preserve all such records for a period of at least twenty years from the date received

All moneys now in the State Treasury to the credit of the Bureau of Topographic and Geologic Survey and all moneys hereafter collected by such bureau shall be deposited in a special fund which is hereby created and which shall be known as the Topographic and Geologic Survey Fund All moneys at any time in said special fund shall be subject to requisition by the said bureau in the manner provided by law for the requisition of other moneys by state agencies

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1007, as follows:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission of any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

The General Assembly hereby enacts as follows

Whereas the Bituminous coal resources and industry of the Commonwealth are being damaged by reason of the high cost of transporting said bituminous coal to its past and present markets in comparison with other competing fuels transported equal or greater distances to said markets

And Whereas the crippling of this vital Pennsylvania industry by such high transportation cost has not only injured those actively engaged in the bituminous coal industry but also by reason of the widespread unemployment in said bituminous coal industry and on the railroads of Pennsylvania which formerly transported much larger tonnages of said bituminous coal has caused a tremendous burden of relief cost and taxes for public assistance upon the rest of the people of this Commonwealth making the problem one of important general public interest to the solution of which the Commonwealth should exert all its reasonable resources now therefore

Section 1 The Attorney General of the Commonwealth of Pennsylvania is hereby authorized and directed to take such steps as are necessary to resist increases and to secure reductions in freight or transportation charges on Pennsylvania produced bituminous coal from points in Pennsylvania where produced to such points or such areas as may be selected by him as being now or having been heretofore to a large extent served the Pennsylvania produced bituminous coal

And for this purpose the Attorney General is hereby authorized and directed to open new proceedings or in his discretion to intervene on behalf of the Commonwealth or on behalf of the bituminous coal producing industry or the bituminous coal producing people or any or all of them in any other proceeding conducted by private persons or by Governmental officials bureaus departments or agencies to secure such reductions or prevent such increases

Section 2 The authority of the Attorney General is hereby declared to be superior in any such endeavor suit or proceeding to that of any other department official agency or bureau of this Commonwealth except the Governor or the Legislature and he is hereby designated as the official to have supreme charge of any such suit litigation investigation or proceeding unless he shall by document in writing under his hand and seal authorize such supreme

charge to be in some other official or department of the Commonwealth

Section 3 The Attorney General shall have power to fully pursue the purposes set forth in this Act and by himself or his deputies to authorize incur and pay the expense of procuring necessary evidence expert witnesses statistics and testimony hiring special counsel of his own selection paying the expenses of his own deputies agents employees and witneses in any and all such proceedings and to use any or all of said money hereby appropriated for the purpose hereinbefore set forth at such rates as he may deem advisable during the balance of the year one thousand nine hundred and thirty-nine and during the whole or any part of the three calendar years next ensuing

Section 4 The Attorney General may in his discretion contribute money furnish counsel or furnish evidence to other persons or corporations or counsel conducting proceedings suits or actions for the purposes hereinbefore set forth and for this purpose the sum of one hundred thousand dollars or so much thereof as he may find necessary is hereby appropriated from the General Fund to the Attorney General for the purposes hereinbefore set forth

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This Act shall be known and may be cited as the "Bituminous Coal Reconstruction Transportation Appropriation Act"

Section 7 The sum of one hundred thousand dollars is hereby appropriated from the General Fund to the Attorney General to use so much thereof as is necessary for the purposes of this Act

Section 8 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1349, as follows:

An Act to amend article two section one thousand thirty-five as amended and sections two thousand four hundred sixty two thousand seven hundred twenty-two and three thousand one hundred one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the creation of boroughs from townships of the first class upon petition to the court of common pleas and a referendum and prescribing the procedure therefor changing contents of auditors' statement further regulating the use of moneys collected on borough-owned water-works giving school districts power to acquire and maintain property jointly with other school districts boroughs cities or counties for certain purposes extending the jurisdiction within which and the manner fines penalties and costs may be collected and repealing existing law providing for the payment of compensation medical and hospital expenses and regulating sick leave periods of certain policemen and firemen

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto after subdivision (d) a new subdivision to read as follows

(e) Creation of Boroughs from First Class Townships

Section 251 Any township of the first class may change its form of government and become a borough retaining the same boundaries it maintained as a township in the following manner

(a) Upon petition of the township commissioners of any township of the first class or of one-fourth of the registered electors therein to the court of common pleas setting forth that the inhabitants of such township wish to change their form of government and become a borough the court shall thereupon order a special election to be held on the next appointed day for the holding of a general or municipal election which shall be sixty or more days after the date of the filing of said petition at which time the qualified electors of such township shall vote for or against such change in government

(b) If a majority of votes cast for and against such change from a township of the first class to a borough shall be in favor of such change the court shall make a decree declaring such former township a borough although no name therefor shall have been adopted and appoint one person to be burgess of such borough and seven persons to constitute a council for such borough Such officers shall hold their respective offices until the first Monday of January next succeeding the municipal election at which a burgess and council are to be elected as provided by this act

The council appointed by the said court shall decide upon and adopt a name for said new borough

(c) From the date of such decree the former township so changed to a borough shall be subject to the provisions of this act The prothonotary shall furnish to the Department of Highways and to the Secretary of Internal Affairs of the Commonwealth a certified copy of the decree for which he shall receive a fee of one dollar ($1.00) each to be paid as a part of the costs of the proceedings

(d) All costs and expenses incurred in any such proceedings to change a township of the first class into a borough except the costs and expenses of the special election shall be paid by the borough if such change is made and if not such costs and expenses shall be paid by the petitioners except where the petitioners are the township commissioners in which case said costs shall be paid by the township

Section 2 Section one thousand thirty-five of said act as last amended by section two of the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1608) is hereby further amended to read as follows

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to Be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts [of the last fiscal year] contracted and services rendered during the fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be prepared within sixty (60) days after the close of the fiscal year Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or by any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

After such statement has been prepared it shall be the duty of the secretary of the borough to furnish to the Department of Internal Affairs report of such statement transcribed on a uniform form prepared and fur-

nished as hereafter provided Such report shall be signed by the auditors and the secretary and shall be filed with the department within ninety (90) days after the close of the fiscal year Any secretary refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs If the failure to file such a report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based said fine shall be imposed upon the auditors and not upon the secretary All fines recovered shall be for the use of the Commonwealth The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent

Such representatives shall be appointed by the president of the organization within sixty (60) days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of the organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Such representatives shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with such committee In the event that the committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall prepare the forms After their preparation he shall issue such forms and distribute them annually as needed to the proper officers of each borough

Section 3 Sections two thousand four hundred sixty two thousand seven hundred twenty-two and three thousand one hundred one of said act are hereby amended to read as follows

Section 2460 Care of Funds The commissioners shall cause all moneys collected to be deposited weekly by the collectors with the borough treasurer who shall return a receipt therefor to the commissioners All moneys so collected shall be kept in a separate fund and shall be used for the purpose of repairing maintaining and extending such water-works and the erection of new water-works [or the payment of any indebtedness on said water-works and for no other purpose] All moneys remaining after such expenditures shall be used for the payment of any indebtedness on said water-works and any indebtedness incurred by the borough for constructing maintaining improving enlarging or extending said water-works Said moneys shall be used for no purpose other than as provided in this section No money shall be drawn from such fund except upon order countersigned by the president and secretary of the commission

Section 2722 Joint Ownership and Maintenance Any two or more boroughs or borough with any city or borough with a county may jointly acquire property for and operate and maintain any playgrounds playfields gymnasiums public baths bathing places swimming pools or indoor recreation centers Any [school district shall have power to join with any borough or boroughs in equipping operating and maintaining] two or more school districts or school district with a borough or school district with a city or school district with a county may jointly acquire property for and operate and maintain any playgrounds playfields gymnasiums public baths swimming pools and indoor recreation centers and may appropriate money therefor

Section 3101 Recovery of Fines Penalties and Costs Fines penalties and costs made payable by this act or imposed under the ordinances of any borough shall be recoverable before the burgess or any justice of the peace of the [borough in the same manner as debts not exceeding three hundred dollars are recoverable] county in which such borough is situate and when so recovered shall be forthwith paid to the treasurer of the borough

Section 4 The act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 477) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" as amended by the act approved the fourteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 632) is hereby repealed in so far as it relates to boroughs

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Andrews, to preside.

MR. ANDREWS IN THE CHAIR

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 590, as follows:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within this Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting motor vehicles trailers and semi-trailers of certain orphan schools from payment of fees for certificates of title and registration

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety

regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts of the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by section one of the act approved the twenty-ninth day of June one tholusand nine hundred thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 722 Exemptions from Fees

(a) No fees shall be charged for a certificate of title or registration of motor vehicles fire department equipment trailers and semi-trailers owned by and used exclusively in the performance of the duties of (a) the Federal Government (b) any state other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county [poor or] school district or institution district of this Commonwealth (e) any duly authorized volunteer fire force in the extinguishment and prevention of fires or in rescue work hospital humane society or anti-cruelty society in this Commonwealth (f) the American Red Cross (g) churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux and organizations and units of the Pennsylvania National Guard (l) mine or industrial ambulances (m) ambassadors ministers foreign consuls general consuls and vice-consuls who are nationals of the country appointing them and who are assigned to foreign consulates in this Commonwealth Provided That American consular officers of equal rank who are citizens of the United States and who exercise their official functions at American consulates in such foreign country are granted reciprocal exemptions (n) boarding schools for orphans where neither board nor tuition is paid by or for the pupils but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

* * * *

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 1400, Senate Bill No. 138, Printer's No. 66 was passed over at the request of Mr. WOODSIDE.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 445, as follows:

An Act to amend section six hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by making a change in the time of submission of the State budget

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and offiers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 602 Submission of Budget to General Assembly As soon as possible [and not later than four weeks] after the organization of the General Assembly the Governor shall submit a State budget embracing therein the amounts recommended by him to be appropriated to the General Assembly the Judicial Department the Governor and the several administrative departments boards and commissions of the State Government and to institutions within the State and for all other public purposes the estimated revenues or receipts from any and all sources and an estimated amount to be raised by taxation or otherwise Together with such budget the Governor shall transmit the estimates of receipts and expenditures as received by the Budget Secretary from the officers in the Executive Legislative and Judicial Departments

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 583, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or author-

izing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by abolishing or transferring certain departmental administrative boards and commissions changing or adding to the personnel thereof abolishing certain advisory boards and commissions and transferring or eliminating certain powers and duties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by section one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-eight (Pamphlet Laws 92) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State

State Employes' Retirement Board

In the Department of Justice

Board of Pardons
Board of Commissioners on Uniform State Laws

In The Treasury Department

Board of Finance and Revenue
[State Employes' Retirement Board]

In the Department of Internal Affairs

Board of Property

In the Department of Public Instruction

State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Undertakers
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers

In the Department of Military Affairs

Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors Home

In the Department of Banking

Board to License Private Bankers
[Pennsylvania Securities Commission]

In the Department of Agriculture

State Farm Products Show Commission

In the Department of Forests and Waters

Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission

In the Department of Mines

Anthracite Mine Inspectors
Bituminous Mine Inspectors

In the Department of Highways

State Bridge Commission

In the Department of Health

Sanitary Water Board
[State Board of Undertakers]

In the Department of Labor and Industry

Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
The Industrial Board

In the Department of Welfare

State Council for the Blind
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board

of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the .... State Hospital
(descriptive name of political subdivision in which institution is located)

In the Department of Property and Supplies

Board of Commissioners of Public Grounds and Buildings
State Art Commission

In the Department of Revenue

State Athletic Commission

In the Department of Public Assistance

State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 455, as follows:

An Act to amend sections one two and five of the act approved the twenty-ninth day of March one thousand eight hundred and ninety-nine (Pamphlet Laws twenty-one) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" by providing for the examination and issuance of "Registered Public Auditor" certificates to persons qualified to act as auditors of political subdivisions and relating to the use and revocation of such certificates

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section one of the act approved the twenty-ninth day of March one thousand eight hundred and ninety-nine (Pamphlet Laws twenty-one) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" is hereby amended to read as follows

Section 1 A Any citizen of the United States residing or having an office for the regular transaction of business in the state of Pennsylvania being over the age of twenty-one years and of good moral character and who shall have received from the governor of the state of Pennsylvania a certificate of his qualification to practice as a public expert accountant as hereinafter provided shall be designated and known as a certified public accountant and no other person shall assume such title or use the abbreviation C P A or any other words letters or figures to indicate that the person using the same is such certified public accountant Every person holding such certificate and every co-partnership of accountants every member of which shall hold such certificates may assume and use the title of certified public accountants or the abbreviation thereof C P A Provided That no other person or co-partnership shall use such title or abbreviation or other words letters or figures to indicate that the person or co-partnership using the same is such certified public accountant

B Any citizen of the United States residing or having an office for the regular transaction of business in the state of Pennsylvania being over the age of twenty-one years and of good moral character and who shall have received from the governor of the state of Pennsylvania a certificate of his qualification to practice as a public expert auditor as hereinafter provided shall be designated and known as a registered public auditor and no other person shall assume such title or use the abbreviation R P A or any other words letters or figures to indicate that the person using the same is such registered public auditor Every person holding such certificate and every co-partnership of auditors every member of which shall hold such certificates may assume and use the title of registered public auditor or the abbreviation thereof R P A Provided That no other person or co-partnership shall use such title or abbreviation or other words letters or figures to indicate that the person or co-partnership using the same is such registered public auditor

Section 2 That section two of said act which was last amended by section one of the Act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws one thousand seventy-three) is hereby further amended to read as follows

Section 2 The Governor of the State of Pennsylvania shall appoint a board of five examiners for the examinations of persons applying for certification under this act Two shall be appointed from the eastern part of the State two from the western part and one from the central part of the State Three of said examiners shall be certified public accountants each holding a degree of same from the Commonwealth of Pennsylvania one of whom shall be appointed for the term of one year one for two years and one for three years and upon the expiration of each of said terms an examiner shall be appointed for the term of three years The other two examiners shall be practicing attorneys in good standing in any of the courts of the State of Pennsylvania One of them shall be appointed for the term of one year and the other for two years and upon the expiration of each of said terms a successor shall be appointed for the term of three years The examination for certificates as certified public accountants shall be based upon an examination in commercial law and general accounting the examination for certificates as registered public auditors shall be on the law relating to municipal corporations and political subdivisions of this Commonwealth and on general and municipal accounting said [examination] examinations shall take place in Philadelphia and Pittsburg once a year in the month of November of each year under such rules and

regulations as may be adopted by the board In no event however shall a special examination be given or a degree granted to any person except by passing a regular examination as herein provided for but certified public accountants of other States of the United States who have been certified for at least one year may be recommended for certification at the discretion of the said board for certificates as certified public accountants without any examination The fees provided by this act shall be twenty-five dollars for each applicant from which shall be paid the actual traveling expenses of the members of the board and expenses incident to such examination for office rent stationery printing and clerk hire a sum not exceeding three hundred dollars per annum and if any surplus above said expenses shall remain at the end of the year it shall be paid into the treasury of the Commonwealth The results of such examination shall be certified to the Governor within sixty days after said examination and filed in the office of the Secretary of Internal Affairs and kept for reference and inspection for a period not less than five years the Governor to issue the certificates.

Section 3 That section five of said act is hereby amended to read as follows

Section 5 If any person shall hold himself out as having received [the] a certificate provided for in this act or shall assume to practice thereunder as a certified public accountant or registered public auditor or use the initials C P A or R P A without having received such certificate or after the same shall have been revoked he shall be deemed guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 459, as follows:

An Act to amend section five hundred twenty of an act approved the twenty-fourth day of June one thousand nine hundred thirty-one (Pamphlet Laws twelve hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" empowering the township commissioners to appoint registered public auditors to act instead of elected auditors or auditors appointed by the Court of Common Pleas and relating to the powers duties compensation audits and reports of appointed auditors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (Pamphlet Laws twelve hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 520 Election or Appointment of Auditors At each municipal election one auditor shall be elected for a term of six years from the first Monday of January succeeding such election No auditor shall at the same time hold any other elective or appointive office

Any township in which the provisions of this act relative to a township controller are not operative or effective may instead of electing three auditors as above provided or one controller as hereinafter provided provide by ordinance for the audit of its accounts by [an] a registered public auditor appointed by the [court of common pleas of the county who shall be either a person or firm licensed as a certified public accountant or a person skilled in auditing work] board of commissioners and where such an ordinance is so adopted such auditor shall be appointed [by the Court on or] before the first Monday of January each year to audit the accounts of the township for the fiscal year then closing Any such appointed auditor shall have and possess all the powers and perform all the duties provided in this act for elected auditors and the provisions of this act relating to elected auditors their audits and reports shall except those provisions pertaining to their section and compensation be construed as including the auditor thus appointed and his audits and reports The compensation of any such appointed auditor shall be fixed by the [Court] board of commissioners In townships so providing by ordinance for an appointed auditor the office of elected auditor is hereby abolished

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 545, as follows:

An Act to amend section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 1004 Drive on Right Side of Highway Upon all highways of sufficient width except upon one way streets

the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in this act Provided however That the provisions of this section shall not apply to ridden animals of the National Guard or of the Regular Army of the United States of America when actually engaged in training or maneuvers

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

The SPEAKER. The following bills on final passage and third reading on pages 28, 29 and 30 of today's calendar, are not on file and will therefore be passed over. House Bills Nos. 549, 99, 1300, 670 (Senate Bill No. 206), 832, 824 and 1203.

There being no objection House Bill No. 518, Printer's No. 479 was passed over at the request of Mr. TAYLOR.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 860, as follows:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended further regulating the filing of claims for taxes water rents or rates lighting rates power rates and sewer rates removing the right to revive extend or continue the lien of such claims hereafter filed prescribing the time for selling properties for the non-payment of such claims authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims under other and prior acts of Assembly" as amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1001) and by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2808) is hereby further amended to read as follows

Section 15 [Such tax municipal or other claim] Such claims for taxes water rates lighting rates power rates and sewer rates if hereafter filed within the period aforesaid shall remain a lien upon said properties for a period of five years from the date they shall be actually entered as a lien unless fully paid and satisfied or compromised and satisfied as provided by law or unless the said properties are sold as provided by this act within said period and such liens shall not be revived extended or continued beyond such period except in cases hereinafter provided for All such claims heretofore filed within the period hereinbefore prescribed and all municipal claims other than for taxes or for said rates if filed within the period [aforesaid] hereinafter provided for such claims shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed either before or after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by .....its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant except in counties having a controller in which case it shall be signed by or have stamped thereon a facsimile signature of the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and prescribing the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom and averment of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

Except as herein otherwise provided no lien for taxes

or for water rents or rates lighting rates power rates or sewer rates which shall hereafter be entered as a lien shall be extended or continued beyond the period of five years from the date the same shall hereafter be entered as a lien and all property subject to any such lien shall be sold within the period of five years from the date such lien shall hereafter be entered

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 2 The said act is hereby amended by adding thereto after section fifteen three new sections to read as follows

Section 15.1 Where an appeal shall hereafter be taken to any such claim and final judgment shall not have been entered prior to the time fixed by this act for the expiration of the lien of such claim the said lien of such claim is hereby validated and extended in full force and effect for a period of six months following the final judgment in such appeal or until the property subject to such lien is sold which sale shall be held within six months after said final judgment

Section 15.2 No property shall be sold under the provisions of this act at the times herein prescribed when the delinquent taxes assessed and levied against such property are being paid upon the installment plan authorized and provided by any law abating penalties interest and costs or any of them imposed upon unpaid delinquent taxes or when any payment shall have been made under such plan and even though a default shall have been made in the required payments if the taxpayer has an opportunity under the said act to continue the installment payments at the subsequent installment period and secure the remaining benefits of said act In all such cases the liens of such taxes are hereby fully preserved and extended for the entire installment period if there is no complete default under the terms of the said act and if there shall be such a default the said liens are hereby continued preserved and extended for a period of six months after such default or until sold under the provisions of this act Provided however That in cases where such tax claims have been filed after the effective date of this act if the time for selling such property or properties under the other provisions of this act shall have expired at the time of such default said property or properties shall be sold within six months after the date of such default

Section 15.3 Where the lien of any taxes or water rents or rates lighting rates power rates or sewer rates has heretofore been lost by reason of the failure to file the claim therefor within the time prescribed by this act or by reason of the failure to revive such lien within five years from the date of entry or last revival the claim for such taxes and rates may be entered or such liens may be revived in the manner provided by this act within six months after the effective date of this act and the liens of any claims so filed and of any liens so revived shall be valid liens and are hereby ratified and confirmed and as such shall be subject to the provisions of this amendment which relate to liens filed after the effective date of this act Provided however That the filing of such claims or the revival of such liens under the provisions of this clause shall not establish revive or reestablish any lien against real estate which was transferred to any bona fide purchaser during the time before such claims were filed or liens revived or when such liens were lost

Section 3 All acts and parts of acts inconsistent with the provisions of this act general local and special are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Ewing,	Leisey,	Sarge,
Andrews,	Falkenstein,	Leydic,	Sarraf,
Baker,	Fauset,	Lichtenwalter,	Schrock,
Balliet,	Foor,	Long.	Schrope,
Balthaser,	Freed,	Lovett,	Seif,
Bardes,	Fullerton,	Lyons,	Serrill.
Bennett.	Furman,	Malloy.	Shearer,
Bohn,	Gates,	Matthews,	Simons,
Doney,	Gillan,	McClester,	Sloan,
Borse,	Gillette,	McGarrity,	Stambaugh
Boose,	Gorski,	McLane,	Stank,
Bower,	Habbyshaw,	McNally,	Stewart,
Brancato,	Haines,	McVay,	Stockham,
Broad,	Hall,	Melchiorre,	Tarr,
Bronson,	Hamilton,	Montgomery,	Taylor,
Brown, S. W.	Harbeson,	Mooney,	Thistle,
Burns,	Henry.	Moran,	Thompson, G.R.,
Burris,	Hewitt,	Moser, F. S.,	Tiemann,
Cadwalader.	Hocke.	Moser, J. L.,	Tronzo.
Carpenter,	Holland,	Muir.	VanAllsburg,
Check,	Hoyt,	Munley,	Wagner,
Christler,	Huntley,	O'Dare,	Walsh,
Clark	Imbrie,	Peale,	Watkins.
Clearwater,	James,	Preston,	Welsh, E. B.,
Cooper,	Johnston,	Reagan,	Welsh, M. J.,
Cordier,	Jones,	Reese, D. P.,	Wilkinson,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan.	Riley.	Winner,
Dalrymple,	Kenehan,	Robertson,	Wood, H. M.,
DeNote,	Kline.	Rooney,	Wood, N.,
Dick,	Knoble,	Rose,	Woodside,
Dix,	Kowalski,	Roseberry,	Yeakel,
Donahue,	Krise,	Rothenberger,	Turner.
Downey,	Lee,	Royer,	Speaker.
Ely,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 543, as follows:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by making the provisions of said act mandatory as to all delinquent taxes except in counties of the first second and third classes and in cities extending such provisions to taxes on unseated lands further regulating the lien of such taxes removing the right to revive extend or continue such liens validating preserving and extending liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return

to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

Section 1 Be it enacted et cetera That from and after the passage of this act it shall be the duty of each receiver or collector of any county city borough town township school district poor district or institution district taxes to make a return to the county commissioners of such taxes which are assessed and levied on seated or unseated lands and which are unpaid and for which no liens have been filed at the time this act becomes effective All such taxes except in cities and in counties of the first second and third class which were assessed and levied for the years preceding the year of one thousand nine hundred and thirty-eight and which are unpaid and for which no liens have been filed shall be so returned by the receiver or collector of taxes or delinquent tax collector or taxing authority in whose hands such taxes now repose for collection within six months from the effective date of this act and the liens of any taxes for said years so returned under the authority of this amendment shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at any time when a treasurer's sale is held or on any day to which said sale may be adjourned or readjourned in the manner provided by existing law Provided however That the return of any tax under this act shall not establish revive or reestablish any tax lien against real estate which was transferred to any bona fide purchaser during the time before such return was made or when any such lien was lost nor shall such return affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the collector to return the tax at the regular time All taxes assessed and levied in the year one thousand nine hundred and thirty-eight and subsequent years shall be so returned not later than the first Monday of May in the year succeeding the year in which the respective taxes were assessed and levied filing therewith a description of said real estate by adjoiners or otherwise sufficient to identify said land with name of the owner or reputed owner against whom such taxes were assessed and levied and the amounts of taxes unpaid and the year during which the said taxes were assessed or levied In addition to penalties under existing laws interest at the rate of six per centum per annum shall be added beginning on the first day of May of the year following the levy and assessment of such tax until such taxes are paid or the seated lands responsible therefor are sold as hereinafter provided

Section 2 Sections four and five of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 940) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statute supplied hereby shall be first liens for a period of five years from the date of their return or until sold as hereinafter provided or unless sooner discharged [or extended as hereinafter provided]

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof Provided however That no such lien shall continue for a longer period than five years from the date of the entry of such return in said return docket [unless within such period of five years such lien is extended as herein provided If for any reason any property subject to such lien has not been sold during a period of five years from the date of the return of the taxes the county treasurer may before the expiration of such period file such taxes as liens in the office of the prothonotary whereupon the lien thereof shall continue for another period of five years from the date of filing in the prothonotary's office] except as hereinafter provided

Section 3 Section seven of said act is hereby amended to read as follows

Section 7 The county treasurer shall advertise the fact of holding such sale once a week for the three successive weeks prior to the holding of such sale in at least two newspapers of general circulation in the county in which such seated land is located if there be two newspapers so published if there be only one then in such newspaper so published in the county

Such advertisement shall set forth

(a) The purpose of such sale

(b) The time of such sale

(c) The place of such sale

(d) The terms of such sale

(e) A list of the seated lands affected and their location and the owner or reputed owner of each

(f) Amount of taxes and interest

In addition to such advertisement at least ten days before any such sale written notice thereof shall be served by the county treasurer by registered mail upon the owner of such land and if the whereabouts of the owner is unknown such notice shall be served by registered mail upon the terre tenant if any [If such notice cannot be served in said manner on the owner or terre tenant then such notice shall be served by the county treasurer by posting the same in the courthouse and at a conspicuous place on the premises] Provided however That no such sale shall be prejudiced or defeated and no title to property sold at such sale shall be invalidated by proof that such written notice was not served by the treasurer or that such notice was not received by the owner or terre tenant as herein provided

The cost of such advertisements notices and the service thereof shall be taxed as part of the costs of such proceedings and shall be paid the same as the other costs

Section 4 Section eight of said act as last amended by the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 239) is hereby further amended to read as follows

Section 8 Such sale shall be made for taxes entered on the return docket or last revived or extended during the year of one thousand nine hundred and thirty-four or any year prior thereto on the first Monday of August [in the second year succeeding the year in which the respective taxes are assessed and levied or on any day to which such sale may be adjourned or readjourned from time to time except in the case of taxes levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law in which case and for such taxes the sale shall be held in the year one thousand nine hundred thirty-three or on any day to which such sale is adjourned or readjourned] in the year one thousand nine hundred and thirty-nine or as adjourned from day to day thereafter by the treasurer until all such sales shall be completed and in all other cases within a period of five years from the date such taxes have heretofore been entered on the tax return docket or from the date the lien thereof has last been extended or continued by filing the same in the office of the prothonotary or from the date such taxes shall hereafter be entered on said docket except in cases where such sale has been or shall hereafter be adjourned or readjourned beyond such period of time under the authority of any other act of Assembly In all such cases of adjournment or readjournment and in all cases where the lien of any tax would under the provisions of this amendment expire or be lost prior to the first Monday of August one thousand nine hundred and thirty-nine such liens are hereby revived preserved and extended and shall remain in full force and effect

until the time of such adjourned or readjourned sale or until the first Monday of August one thousand nine hundred and thirty-nine as the case may be Provided That the advertisement and notice of a sale as required by this act may be given preceding the date of any adjourned or readjourned sale in which case no prior advertisement or notice shall be required and in case the sales for different years' taxes be held on the same date the advertisements and notices may be consolidated Provided further That if any such sale be adjourned or readjourned after advertisement and notice by public announcement at such sale adjournment or readjournment no additional advertisement or notice shall be necessary for such adjourned or readjourned sale Provided further That no such adjournment or readjournment shall be for a longer period than thirty days unless the county treasurer with the consent in writing of the county commissioners and the approval of the judge of the court of the county in which the sale is pending shall declare at the time fixed for a sale of any adjournment or readjournments thereof that because of widespread economic and business depression and usual unemployment incident thereto a sale would be inadvisable in which case any such sale may be adjourned or readjourned at any one time and from time to time for a longer period [not exceeding two years and six months and] but in no case beyond the expiration of the period fixed for such sale by this amendment or beyond the date of the actual holding of the first subsequent sale for any other year's taxes provided that when after advertisement of a sale it has been determined as aforesaid to adjourn any sale for taxes the county treasurer shall publish at the expense of the county in at least two newspapers of general circulation in the county if so many be published in the county a brief notice or advertisement announcing said adjournment and the actual new date to which such sale for taxes has been adjourned

For each tract of land so disposed of the county treasurer shall be entitled to the following fees which shall be taxed as part of the costs of such proceeding and shall be paid the same as other costs

Advertising each tract including printer's charge the actual cost

Selling each tract or part thereof	$ .25
Writing and signing each deed	1.50
Acknowledging every deed	.50
Writing and filing every bond to acknowledge the purchase money	.25

The county shall in the first instance be liable for the cost of advertising treasurers' sales and the fees collected for such advertising shall be paid into the county treasury for the use of the county

For receiving and paying over the purchase money or taxes collected by him the county treasurer shall be entitled to a commission of two per centum (2%) thereof such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof

Section 5 Section nine of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 661) and by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible [No] Every such sale shall discharge the lien of [any] every mortgage [which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages] obligations claim lien or estate with which said property may have or shall become charged or for which it may become liable including ground rents [municipal claims and or other taxes and] except no such sale shall discharge the lien of any [ground rent] municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within [five] two years after such sale if such real estate has been purchased [by the county otherwise] within two years after such sale by the payment to the county treasurers of the full amount which the purchaser paid to said treasurer for taxes interest and costs and fifteen per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated lands were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 6 Section ten of said act is hereby amended to read as follows

Section 10 It shall be the duty of the purchaser or purchasers at this treasurer's sale as soon as the property is struck down to pay the amount of the purchase money or such part thereof as may be necessary to pay all taxes for which no liens have been filed in the office of the prothonotary and all interest and costs and also one dollar and fifty cents for the use of the prothonotary for entering the report of the treasurer and acknowledgment of the treasurer's deed as hereinafter mentioned and in case said amount is not forthwith paid after the property is struck down the sale may be avoided and the property immediately put up again by the said treasurer

Any such property for which an amount sufficient to pay such taxes interest and the costs is not bid shall be purchased by the county commissioners in which event the requirements of the proceeding paragraph of this section shall not apply

Section 7 Section twelve of said act is hereby amended to read as follows

Section 12 It shall be the duty of the county treasurer at the first term of a court of common pleas of the proper county succeeding any such sale to make a report and return wherein he shall set forth a brief description of the land or property sold the name of the person (where known) in which the same is assessed the amount of tax and the year for which the same is assessed the time when and the newspapers in which the advertisement for sale was made with a copy of said advertisement the time of sale the name of the purchaser and the price for which each respective property was sold Upon the presentation of said report or return if it shall appear to said court that such sale has been regularly conducted under the provisions of this act the said report and the sale so made shall be confirmed nisi

The county treasurer shall at the expense of the county publish a general notice once in a newspaper of general circulation throughout the county stating that the report of the county treasurer with respect to sales for delinquent taxes has been presented to the court giving the date thereof and that exceptions thereto may be filed

within sixty days after the date of return otherwise the report will be confirmed absolutely

In case no objections or exceptions are filed to any such sale within sixty days after the date of return a decree of absolute confirmation shall be entered as of course by the prothonotary Any objections or exceptions to such a sale may raise the legality of the taxes for nonpayment of which the real estate was sold or the return thereof or the validity of the sale for the reason that the tax was actually paid or question the regularity or legality of the proceedings of the treasurer in any respect In case any objections or exceptions are filed they shall be disposed of according to the practice of the court When the same are overruled or set aside a decree of absolute confirmation shall be entered by the court If such objections or exceptions are sustained and the court deems the defect not amendable it shall by its order or decree invalidate the sale From the decision of the court of common pleas any party interested may appeal to the Supreme or Superior Court as in other cases If no objections or exceptions are filed as herein provided or where objections or exceptions are finally overruled and the sale confirmed absolutely the validity of the assessment of the tax and its return for nonpayment and the validity of the proceedings of the treasurer with respect to such sale shall not thereafter be inquired into judicially in equity or by civil proceedings by the person or persons in whose name such property was sold his or her or their heirs or his her or their grantees or assigns subsequent to the date of the assessment of the taxes for which such sale was made and such sale after the period of redemption shall be terminated shall be deemed to pass a good and valid title to the purchaser [as against the person or persons in whose name such property was sold] free from any liens or encumbrances whatsoever except such liens as are hereinbefore specifically saved and in all respects as good and effective as if acquired by a sheriff's deed provided the purchaser has filed the bond for surplus moneys as hereinafter provided

Section 8 Section sixteen of said act as amended by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate [for the next five years] During the redemption period following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption of lands heretofore purchased by the county commissioners shall remain in the real owner of such lands or other persons interested for five years after such sale to the county commissioners and of all lands hereafter purchased by the county commissioners such right shall remain for two years after such sale and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

Section 9 Section seventeen eighteen and twenty-one of said act are hereby amended to read as follows

Section 17 If the owner of any real property his heirs or legal representatives or lien creditor his heirs assigns or legal representatives or other person interested in property so purchased by the county commissioners shall not redeem the same within such period the county commissioners shall [at any time] unless restrained by the court of common pleas within six months after the expiration of such period sell [any] such lands at public sale [and make deed therefor] or private sale in the manner provided by law for the best price or prices obtainable Any such lands now owned by the county for which the redemption period has expired unless restrained by the court of common pleas shall be sold as herein provided within six months after the effective date of this act Any taxpayer of the county may object to the court of common pleas to the proposed sale of any property or properties and the court shall fix a time and hear the matter and decide what apears to it to be for the best interests of the county and shall so order Such decision shall be final After any such sale or in the case of any redemption the property shall be charged by the assessor in the name of the last purchaser or redeemer and such lands shall again be liable for taxes as other lands

The county commissioners before making sale of real property purchased by them at tax sales shall give at least thirty days' notice once a week for three consecutive weeks of such sales particularly designating the tracts that are to be sold This notice shall be inserted in two newspapers published in the county if so many are published in said county if there be only one then in such newspaper published in the county

Such advertisement shall set forth

(a) The purpose of such sale
(b) The time of such sale
(c) The place of such sale
(d) The terms of such sale
(e) A list of [seated] lands affected and their location and the owner or reputed owner of each

After such sale the county commissioners shall make and deliver a deed being acknowledged before an officer authorized to acknowledge deeds Such deed shall pass such title as the county commissioners have a right to convey

Section 18 [Nothing contained in this act shall be construed to repeal the] The act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how and upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the method for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby repealed in so far as it relates to the filing of tax claims or tax liens and the revival thereof by the various political subdivisions other than cities counties of the first second and third classes and the political subdivisions within or coextensive with cities and such counties

Section 21 No tax collector for any political subdivision in cities or in counties of the first second or third classes shall make any return of taxes as provided in this act if the taxing authorities shall notify such tax collector in writing that returns shall not be made but that delinquent taxes are to be collected by the filing of liens in the office of the prothonotary

On the question,

Will the House agree to the bill on third reading?

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The Chair would suggest that the

gentleman from Luzerne state to the House the purpose of offering the amendments at this time.

Mr. WILKINSON. Mr. Speaker, there was a little mix-up in the Committee. These amendments were supposed to have been reported out with the bill the day before yesterday. They were on the table in the Committee room but the member who reported the bill out did not know about them and did not pick them up.

The SPEAKER. That is, the amendments were agreed to by the Committee and were supposed to have been reported out with the bill, but were not so reported.

Mr. WILKINSON. That is correct, Mr. Speaker.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, lines 1 to 6 of title, by striking out the following: "making the" in line 1, all of lines 2 to 5, both inclusive, and the words "to taxes on unseated lands" in line 6.

Amend title, page 2, line 8 of title, by inserting after the word "liens" the following: "extending the provisions of said act to institution district taxes, authorizing the return of certain taxes after the time limit for such returns has expired"

Amend Sec. 1 (Sec. 1), page 3, line 6, by inserting after the word "district" the following word in light-face brackets: "[or]"

Amend Sec. 1 (Sec. 1), page 3, line 9, by striking out the words: "or unseated"

Amend Sec. 1 (Sec. 1), page 3, lines 10 to 29, by striking out the following: "at the time this" in line 10, and all of lines 11 to 29, both inclusive.

Amend Sec. 1 (Sec. 1), page 4, lines 1 to 8, by striking out the following: all of lines 1 to 7, both inclusive, and the words "shall be so returned" in line 8.

Amend Sec. 1 (Sec. 1), page 4, by inserting between lines 21 and 22 the following: "Where the receiver or collector of any such taxes shall have failed to make the return thereof, as provided by this section, and the time fixed for making such return has expired, such receiver or collector of said taxes, or any delinquent tax collector, or taxing authority in whose hands such taxes now repose for collection, is hereby authorized to make return of any of said taxes which are unpaid, and for which no lien has been filed, within six months from the effective date of this act, and the liens of any taxes so returned shall be valid and are hereby ratified and confirmed, and a county treasurer's sale may be had for such taxes at the time when a county treasurer's sale is held under the provisions of this act, in the same manner as if such returns had been made at the time heretofore required by this section: Provided, however, That the return of any tax under this amendment shall not establish, revive or re-establish any tax lien against real estate which was transferred to any bona fida purchaser during the time before such return was made or when any such lien was lost."

Amend Sec. 2 (Sec. 4), page 5, lines 12 and 13, by striking out with light-face brackets the words. "for a period of five years from the date of their return"

Amend Sec. 2 (Sec. 4), page 5, line 13, by striking out the word: "or"

Amend Sec. 2 (Sec. 5), page 5, lines 19 to 22, by striking out with light-face brackets the following: "Provided how-" in line 19, all of lines 20 and 21, and the words "such return in said return docket" in line 22.

Amend Sec. 3, page 6, lines 3 to 5, by striking out the following: "Section 3" in line 3, and all of lines 4 and 5.

Amend Sec. 3, page 6, by inserting between lines 5 and 6, the following: "Section 3. Section seven of said act is hereby amended to read as follows:"

Amend Sec. 4 (Sec. 8), page 7, line 14, by striking out with light-face brackets the word: "Such" and inserting in lieu thereof: "(a) No such"

Amend Sec. 4 (Sec. 8), page 7, lines 14 to 18, by striking out the following: "for taxes entered" in line 14. all of lines 15, 16 and 17, and the words "five] or any year prior thereto" in line 18.

Amend Sec. 4 (Sec. 8), page 7, line 18, by striking out with light-face brackets the word: "on" and inserting in lieu thereof: "before"

Amend Sec. 4 (Sec. 8), page 7, line 19, by striking out: the light-face bracket before the word "in"

Amend Sec. 4 (Sec. 8), page 7, line 21, by inserting a light-face bracket before the word "or" as follows "["

Amend Sec. 4 (Sec. 8), page 7, lines 28 and 29, by striking out the following: "in the year one" in line 28, and all of line 29.

Amend Sec. 4 (Sec. 8), page 8, lines 1 to 3, erroneously numbered 16 to 18, by striking out all of lines 1 and 2, and the words "other cases" in line 3, and inserting in lieu thereof: "but in every case, except as herein otherwise provided, sale shall be made"

Amend Sec. 4 (Sec. 8), page 8, line 10, erroneously numbered 25, by inserting after the word "time" the following: "or prohibited during such period of time"

Amend Sec. 4 (Sec. 8), page 8, line 10, erroneously numbered 25, by inserting after the word "of" where it appears the second time in said line. the following: "this or"

Amend Sec. 4 (Sec. 8), page 8, line 11, erroneously numbered 26, by striking out the word: "such"

Amend Sec. 4 (Sec. 8), page 8, line 12, erroneously numbered 27, by inserting after the word "readjournment" the following: "of any such sale"

Amend Sec. 4 (Sec. 8), page 8, lines 13 and 14, erroneously numbered 28 and 29, by striking out the word: "amendment" and inserting in lieu thereof: "act"

Amend Sec. 4 (Sec. 8), page 8, line 14 erroneously numbered 29 and line 15, by striking out the words: "first Monday of August, one thousand nine hundred and thirty-nine" and inserting in lieu thereof: "sale of such property under the provisions of this act"

Amend Sec. 4 (Sec. 8), page 8, lines 17 to 20, by striking out the following: "the time of such" in line 17, all of lines 18 and 19, and the words 'the case may be" in line 20, and inserting in lieu thereof: "the property against which such taxes are a lien is sold under the provisions of this act, or the lien otherwise discharged"

Amend Sec. 4 (Sec. 8), page 8, line 20, by striking out with light-face brackets the words: "Provided That" and inserting in lieu thereof: "(b) For all taxes assessed and levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law, the sale shall be held on or before February first, one thousand nine hundred and forty, and for the taxes assessed and levied for the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, the sale shall be held on or before May first, one thousand nine hundred and forty, and for taxes assessed and levied for the years one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four, the sale shall be held on or before the first Monday of August, one thousand nine hundred and forty.

(c) No property shall be sold under the provisions of this act at the times herein prescribed when the delinquent taxes assessed and levied against such property are being paid upon the installment plan authorized and provided by any law abating penalties, interest and costs, or any of them, imposed upon unpaid delinquent taxes, or when any payment shall have been made under such plan and, even though a default shall have been made in the required payments if the taxpayer has an opportunity under the said act to continue the installment payments at the subsequent installment period and secure the remaining benefits of said act. In all such cases, the liens of such taxes are hereby fully preserved and extended for the entire installment period if there is no complete default under the terms of the said act and, if there shall be such a default, the said liens are hereby continued, preserved and extended until sold under the provisions of this act: Provided, however, That if the time for selling such property or properties, under the other provisions of this act, shall have expired at the time of such default, said property or properties shall be sold within six months after the date of such default.

(d) The county treasurer may, at his discretion when he deems it to the advantage of any taxing district, hold a sale of the property or properties of one or more taxables for the unpaid taxes assessed and levied against such property, separate and independent of any general tax sale of properties as provided by this act. The purpose of this clause is to provide a method whereby the property or properites of one or more delinquent taxables may be sold by the treasurer within the time limits prescribed by this act, without the necessity of selling other properties against which taxes for the same year have been assessed and levied and returned as herein provided and which are unpaid.

(e) After the date has been fixed for any such sale, it may be adjourned or readjourned from time to time, and, in such case,"

Amend Sec. 4 (Sec. 8), page 9, line 26, by inserting at the beginning of said line, before the word "For" indented as a paragraph: "(f)"

Amend Sec. 5 (Sec. 9), page 11, line 6, by striking out the word: "obligations" and inserting in lieu thereof: "recorded after the effective date of this of this act, obligation"

Amend Sec. 6 (Sec. 10), page 12, line 27, by striking out the word: "nereby" and inserting in lieu thereof: "hereby"

Amend Sec. 6 (Sec. 10), page 13, line 5, by striking out the following: "for which no liens have been filed" and inserting in lieu thereof: "except such taxes as have heretofore been filed as liens"

Amend Sec. 7 (Sec. 12), page 14, line 11, by inserting after the word "to" the following: "any such sale or"

Amend Sec. 9, page 17, lines 6 and 7, by striking out the following: "Section seventeen eighteen and twenty-one of said act [is] are" and inserting in lieu thereof: "Section seventeen of said act is"

Amend Sec. 9 (Sec. 17), page 17, lines 14 and 15, by striking out the following: "unless restrained by the court of common pleas'

Amend Sec. 9 (Sec. 17), page 17, lines 20 and 21, by striking out the following: "unless restrained by the court of common pleas"

Amend Sec. 9 (Sec. 17), page 17, lines 23 to 28, by striking out the following: "Any taxpayer of the county may object" in line 23, and all of lines 24, 25, 26 and 27, and the words "order Such decision shall be final" in line 28.

Amend Sec. 9 (Sec. 17), page 18, line 18, by striking out: the light-face brackets before and after the word "seated'

Amend Sec. 9 (Sec. 18), page 18, lines 25 to 29, both inclusive, by striking out: all of said lines.

Amend Sec. 9 (Sec. 18), page 19, lines 1 to 22, both inclusive, by striking out: all of said lines.

Amend Sec. 9 (Sec. 21), page 19, lines 23 to 28, both inclusive, by striking out: all of said lines.

Amend Sec. 9 (Sec.21), page 20. lines 1 and 2, by striking out: all of said lines.

Amend bill, page 20, by inserting after line 2, the following section: "Section 10. This act shall become effective immediately upon final enactment.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1215, Printer's No. 639, was passed over at the request of Mr. WOODSIDE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1036, entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Ewing,	Lichtenwalter,	Schrock,
Andrews,	Falkenstein,	Long,	Schrope,
Baker,	Fauset,	Lovett,	Seif,
Balliet,	Foor,	Lyons,	Serrill,
Balthaser,	Freed,	Malloy,	Shearer,
Bardes,	Fullerton,	Matthews,	Simons,
Bennett,	Furman,	McClester,	Sloan,
Bohn,	Gates,	McGarrity,	Stambaugh,
Boney,	Gillan,	McLane,	Stank,
Boorse,	Gillette,	McNally,	Stewart,
Boose,	Gorski,	McVay,	Stockham,
Bower,	Habbyshaw,	Melchiorre,	Tarr,
Brancato,	Haines,	Montgomery,	Taylor,
Broad,	Hall,	Mooney,	Thistle,
Bronson,	Harbeson,	Moran,	Thompson, G. R.,
Brown, S. W.,	Henry,	Moser, F. S.,	Tiemann,
Burns,	Hewitt,	Moser, J. L.,	Tronzo,
Burris,	Hocke,	Muir,	Trout,
Cadvalader,	Holland,	Munley,	Van Allsburg,
Carpenter,	Hoyt,	O'Dare,	Voorhees,
Check,	Huntley,	Peale,	Wagner,
Christler,	Imbrie,	Preston,	Walsh,
Clark,	James,	Reagan,	Watkins,
Clearwater,	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Jones,	Rider,	Welsh, M. J.,
Cordier,	Kane,	Riley,	Wilkinson,
Corrigan,	Keenan,	Robertson,	Wilson,
Cortese,	Kenehan,	Rooney,	Winner,
Dalrymple,	Kline,	Rose,	Wood, H. M.,
DeNote,	Knoble,	Rosebery,	Wood, N.,
Dick,	Kowalski,	Rothenberger,	Woodside,
Dix,	Krise,	Royer,	Yeakel,
Donahue,	Lee,	Sarge,	Turner,
Downey,	Leisey,	Sarraf,	Speaker.
Fly,	Leydic,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 41 Printer's No. 573, was passed over at the request of Mr. MATTHEWS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1022, entitled:

An Act to amend further section five of an act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may in the discretion of the Secretary of Highways construct reconstruct resurface or maintain additional width

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Ewing,	Leisey,	Royer,
Andrews,	Falkenstein,	Leydic,	Sarge,
Baker,	Fauset,	Lichtenwalter,	Sarraf,
Balliet,	Foor,	Long,	Schrock,
Balthaser,	Freed,	Lovett,	Schrope,
Bardes,	Fullerton,	Lyons,	Serrill,
Bennett,	Furman,	Malloy,	Shearer,
Bohn,	Gates,	Matthews,	Simons,
Boney,	Gillan,	McClester,	Sloan,
Boorse,	Gillette,	McGarrity,	Stambaugh,
Boose,	Gorski,	McKinney,	Stank,
Bower,	Habbyshaw,	McLane,	Stewart,
Brancato,	Haines	McNally,	Stockham,
Broad,	Hall,	McVay,	Tarr,
Bronson,	Hamilton,	Melchiorre,	Taylor,
Brown, S. W.,	Harbeson,	Montgomery,	Thistle,
Burns,	Henry,	Mooney,	Thompson, G. R.,
Burris,	Hewitt,	Moran,	Tiemann,
Cadwalader,	Hocke,	Moser, F. S.,	Tronzo,
Carpenter,	Holland,	Moser, J. L.,	Van Allsburg,
Check,	Hoyt,	Muir,	Wagner,
Christler,	Huntley,	Munley,	Walsh,
Clark,	Imbrie,	O'Dare,	Watkins,
Clearwater,	James,	Peale,	Welsh, E. B.,
Cooper,	Johnston,	Preston,	Welsh, M. J.,
Cordier,	Jones,	Reagan,	Wilkinson,
Corrigan,	Kane,	Reese, D. P.,	Wilson,
Cortese,	Keenan,	Rider,	Winner,
Dalrymple,	Kenehan	Riley,	Wood, H. M.,
DeNote,	Kline,	Robertson,	Wood, N.,
Dick,	Knoble,	Rooney,	Woodside,
Dix,	Kowalski,	Rose,	Yeakel,
Donahue,	Krise,	Roseberry,	Turner,
Downey,	Lee,	Rothenberger,	Speaker.
Ely,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1026, entitled:

An Act to provide that under certain conditions roads highways bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Ely,	Leisey,	Royer,
Andrews,	Ewing,	Leydic,	Sarge,
Baker,	Falkenstein,	Lichtenwalter,	Sarraf,
Balliet,	Fauset,	Long,	Schrock,
Balthaser,	Foor,	Lovett,	Schrope,
Bardes,	Freed,	Lyons,	Serrill,
Bennett,	Fullerton,	Malloy,	Shearer,
Bohn,	Furman,	Matthews,	Simon,
Boney,	Gates,	McClester,	Sloan,
Boorse,	Gillan,	McGarrity,	Stambaugh,
Boose,	Gillette,	McKinney,	Stank,
Bower,	Gorski,	McLane,	Stewart,
Brancato,	Habbyshaw,	McNally,	Stockham,
Broad,	Haines,	McVay,	Tarr,
Bronson,	Hall,	Melchiorre,	Taylor,
Brown, S. W.,	Harbeson,	Montgomery,	Thistle,
Burns,	Henry,	Mooney,	Thompson, G. R.,
Burris,	Hewitt	Moran,	Tiemann,
Cadwalader,	Hocke,	Moser, F. S.,	Tronzo,
Carpenter,	Holland,	Moser, J. L.,	Trout,
Check	Hoyt,	Muir,	Voorhees,
Christler,	Huntley,	Munley,	Wagner,
Clark,	Imbrie,	O'Dare,	Walsh,
Clearwater,	James,	Peale,	Watkins,
Cooper,	Johnston,	Preston,	Welsh, E. B.,
Cordier,	Jones,	Reagan,	Welsh, M. J.,
Corrigan,	Kane,	Reese, D. P.,	Wilkinson,
Cortese,	Keenan,	Rider,	Wilson,
Dalrymple,	Kenehan	Riley,	Winner,
DeNote,	Kline,	Robertson,	Wood, H. M.,
Dick,	Knoble,	Rooney,	Wood, N.,
Dix,	Kowalski,	Rose,	Woodside,
Donahue,	Krise,	Roseberry,	Yeakel,
Downey,	Lee,	Rothenberger,	Turner,
			Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 650, Printer's No. 571 was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 158, entitled:

An Act to further amend section ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered

within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by extending the purposes for which counties may use moneys received from said tax

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Ely,	Leisey,	Sarge,
Andrews,	Ewing,	Leydic,	Sarraf,
Baker,	Falkenstein,	Lichtenwalter,	Schrock,
Balliet,	Fauset,	Long,	Schrope,
Balthaser,	Foor,	Lovett,	Serrill,
Bardes,	Freed,	Lyons,	Shearer,
Bennett,	Fullerton,	Malloy,	Simons,
Boney,	Furman,	Matthews,	Sloan,
Boorse,	Gates,	McClester,	Stambaugh,
Boose,	Gillan,	McGarrity,	Stank,
Bower,	Gillette,	McKinney,	Stewart,
Brancato,	Gorski,	McLane,	Stockham,
Broad,	Habbyshaw,	McVay,	Tarr,
Bronson,	Haines,	Melchiorre,	Taylor,
Brown, S. W.,	Hall,	Montgomery,	Thistle,
Burns,	Harbeson,	Mooney,	Thompson, G. R.,
Burris,	Henry,	Moran,	Tiemann,
Cadwalader,	Hewitt,	Moser, F. S.,	Tronzo,
Carpenter,	Hocke,	Moser, J. L.,	Trout,
Check,	Holland,	Muir,	Voorhees,
Christley,	Hoyt,	Munley,	Wagner,
Clark,	Huntley,	O'Dare,	Walsh,
Clearwater,	Imbrie,	Peale,	Watkins,
Cook,	James,	Preston,	Welsh, E. B.,
Cooper,	Johnston,	Reagan,	Welsh, M. J.,
Cordier,	Jones,	Reese, D. P.,	Wilkinson,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Dalrymple,	Kenehan,	Robertson,	Wood, H. M.,
DeNote,	Kline,	Rooney,	Wood, N.,
Dick,	Knoble,	Rose,	Woodside,
Dix,	Kowalski,	Roseberry,	Yeakel,
Donahue,	Krise,	Rothenberger,	Turner,
Downey,	Lee,	Royer,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1149, entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account

And said bill having been read at length the third time, considerered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135

Ackermann,	Ely,	Leydic,	Sarge,
Andrews,	Ewing,	Lichtenwalter,	Sarraf,
Baker,	Falkenstein,	Long,	Schrock,
Balliet,	Fauset,	Lovett,	Schrope,
Balthaser,	Foor,	Lyons,	Schwab,
Bardes,	Freed,	Malloy,	Serrill,
Bennett,	Fullerton,	Matthews,	Shearer,
Bohn,	Furman,	McClester,	Simons,
Boney,	Gates,	McGarrity,	Sloan,
Boorse,	Gillan,	McKinney,	Stambaugh,
Boose,	Gillette,	McLane,	Stank,
Bower,	Habbyshaw,	McNally,	Stewart,
Brancato,	Haines,	McVay,	Stockham,
Broad,	Hall,	Melchiorre,	Tarr,
Bronson,	Harbeson,	Montgomery,	Taylor,
Brown, S. W.,	Henry,	Mooney,	Thistle,
Burns,	Hewitt,	Moran,	Thompson, G. R.,
Burris,	Hocke,	Moser, F. S.,	Tiemann,
Cadwalader,	Holland,	Moser, J. L.,	Tronzo,
Carpenter,	Hoyt,	Muir,	Trout,
Check,	Huntley,	Munley,	Voorhees,
Christley,	Imbrie,	O'Dare,	Wagner,
Clark,	James,	Peale,	Walsh,
Clearwater,	Johnston,	Preston,	Watkins,
Cooper,	Jones,	Reagan,	Welsh, E. B.,
Cordier,	Kane,	Reese, D. P.,	Welsh, M. J.,
Corrigan,	Keenan,	Rider,	Wilkinson,
Cortese,	Kenehan,	Riley,	Wilson,
Dalrymple	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Downey,	Leisey,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 223, Printer's No. 570, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and considerattion of House Bill No. 1321, entitled:

An Act cancelling certain debts due the Commonwealth by townships and the agreements under which such debts were created

And said bill having been read at length the third time, considerered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135

Ackermann,	Ely,	Leydic,	Sarge,
Andrews,	Ewing,	Lichtenwalter,	Sarraf,
Baker,	Falkenstein,	Long,	Schrock,
Balliet,	Fauset	Lovett,	Schrope,
Balthaser,	Foor,	Lyons,	Schwab,
Bardes,	Freed,	Malloy,	Serrill,
Bennett,	Fullerton,	Matthews,	Shearer,
Bohn,	Furman,	McClester,	Simons,
Boney,	Gates,	McGarrity,	Sloan,
Boorse,	Gillan,	McKinney,	Stambaugh,
Boose,	Gillette,	McLane,	Stank,
Bower,	Habbyshaw,	McNally,	Stewart,
Brancato,	Haines,	McVay,	Stockham,
Broad,	Hall,	Melchiorre,	Tarr,
Bronson,	Harbeson,	Montgomery,	Taylor,
Brown, S. W.,	Henry,	Mooney,	Thistle,
Burns,	Hewitt,	Moran,	Thompson, G. R.,
Burris,	Hocke,	Moser, F. S.,	Tiemann,
Cadwalader,	Holland,	Moser, J. L.	Tronzo,
Carpenter,	Hoyt,	Muir,	Trout,
Check,	Huntley,	Munley,	Voorhees,
Christler,	Imbrie,	O'Dare,	Wagner,
Clark,	James,	Peale,	Walsh,
Clearwater,	Johnston,	Preston,	Watkins,
Cooper,	Jones,	Reagan,	Welsh, E. B.,
Cordier,	Kane,	Reese, D. P.,	Welsh, M. J.,
Corrigan,	Keenan,	Rider,	Wilkinson,
Cortese,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, N.,
Dick,	Kowalski,	Rose,	Woodside,
Dix,	Krise,	Roseberry,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Downey,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1225, entitled:

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilitles accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estates as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

And said bill having been read at length the third time, considerered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135

Ackermann,	Ely,	Leisey,	Sarge,
Andrews,	Ewing,	Leydic,	Sarraf,
Baker,	Falkenstein,	Lichtenwalter,	Schrock,
Balliet,	Fauset,	Long,	Schrope,
Balthaser,	Foor,	Lovett,	Serrill,
Bardes,	Freed,	Lyons,	Shearer,
Bennett,	Fullerton,	Malloy,	Simons,
Bohn,	Furman,	Matthews,	Sloan,
Boney,	Gates,	McClester,	Stambaugh,
Boorse,	Gillan,	McGarrity,	Stank,
Boose,	Gillette,	McLane,	Stewart,
Bower,	Gorski,	McNally,	Stockham,
Brancato,	Habbyshaw,	McVay,	Tarr,
Broad,	Haines,	Melchiorre,	Taylor,
Bronson,	Hall,	Montgomery,	Thistle,
Brown, S. W.,	Harbeson,	Mooney,	Thompson, G. R.,
Burns,	Henry,	Moran,	Tiemann,
Burris,	Hewitt,	Moser, F. S.,	Tronzo,
Cadwalader,	Hocke,	Moser, J. L.,	Trout,
Carpenter,	Holland,	Muir,	Voorhees,
Check,	Hoyt,	Munley,	Wagner,
Chervenak,	Huntley,	O'Dare,	Walsh,
Christler,	Imbrie,	Peale,	Watkins,
Clark,	James,	Preston,	Welsh, E. B.,
Clearwater,	Johnston,	Reagan,	Welsh, M. J.,
Cooper,	Jones,	Reese, D. P.,	Wilkinson,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, N.,
DeNote,	Knoble,	Rose,	Woodside,
Dick,	Kowalski,	Roseberry,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1431, (Senate Bill No. 661), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Downey,	Leydic,	Sarge,
Andrews,	Ely,	Lichtenwalter,	Sarraf
Baker,	Ewing,	Long,	Schrock,
Balliet,	Falkenstein,	Lovett	Schrope,
Balthaser,	Fauset	Lyons,	Serrill,
Bardes,	Foor,	Malloy,	Shearer,
Bennett,	Freed,	Matthews,	Simons,
Bohn,	Fullerton,	McClester,	Sloan,
Boney,	Furman,	McGarrity,	Stambaugh,
Boorse,	Gates,	McKinney,	Stank,
Boose,	Gillan,	McLane,	Stewart,
Bower,	Gorski,	McNally,	Stockham,
Brancato,	Habbyshaw,	McVay,	Tarr,
Bretherick,	Haines,	Melchiorre	Taylor,
Broad,	Hall,	Montgomery	Thistle,
Bronson,	Harbeson,	Mooney,	Thompson, G. R.,
Brown, S. W.,	Henry,	Moran,	Tiemann,
Burns,	Hewitt,	Moser, F S.,	Tronzo,
Burris,	Hocke,	Moser, J. L.,	Trout,
Cadwalader,	Holland,	Muir,	Voorhees,
Carpenter,	Hoyt,	Munley,	Wagner,
Check,	Huntley,	O'Dare,	Walsh,
Chervenak,	Imbrie,	Peale,	Watkins,
Christler,	James,	Preston,	Welsh, E. B.,
Clark,	Johnston,	Reagan,	Welsh, M. J.,
Clearwater,	Jones,	Reese, D. P.,	Wilkinson,
Cooper,	Kane	Rider,	Wilson,
Cordier,	Keenan,	Riley,	Winner,
Corrigan,	Kenehan,	Robertson,	Wood H. M
Cortese,	Kline,	Rooney,	Wood, N.,
Dalrymple,	Knoble,	Rose,	Woodside,
DeNote,	Kowalski,	Roseberry,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.
Donahue,	Leisey,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1432, (Senate Bill No. 622), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphan's court of the various counties and imposing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Downey,	Leisey,	Sarge,
Andrews,	Ely,	Leydic,	Sarraf,
Baker,	Ewing,	Lichtenwalter,	Schrock,
Balliet,	Falkenstein,	Long,	Schrope,
Balthaser,	Fauset,	Lovett,	Schwab
Bardes,	Foor,	Lyons,	Serrill,
Bennett,	Freed,	Malloy,	Shearer,
Bohn,	Fullerton,	Matthews,	Simons,
Boney,	Furman,	McClester,	Sloan,
Boorse,	Gates,	McGarrity,	Stambaugh,
Boose,	Gillan,	McLane,	Stank,
Bower,	Gorski,	McNally,	Stewart,
Brancato,	Habbyshaw,	McVay,	Stockham,
Broad,	Haines,	Melchiorre,	Tarr,
Bronson,	Hall,	Montgomery,	Taylor,
Brown, S. W.,	Harbeson,	Mooney,	Thistle,
Burns,	Henry,	Moran,	Thompson, G. R.,
Burris,	Hewitt,	Moser, F. S.,	Tiemann,
Cadwalader,	Hocke,	Moser, J. L.,	Tronzo,
Carpenter,	Holland,	Muir,	VanAllsburg,
Check,	Hoyt,	Munley,	Wagner,
Chervenak,	Huntley,	O'Dare,	Walsh,
Christler,	Imbrie,	Peale,	Watkins,
Clark,	James,	Preston,	Welsh, E. B.,
Clearwater,	Johnston,	Reagan,	Welsh, M. J.,
Cooper,	Jones,	Reese, D. P.,	Wilkinson,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple	Kline,	Rooney,	Wood, N.,
DeNote,	Knoble,	Rose,	Woodside,
Dick,	Kowalski,	Roseberry,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. Andrews.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 554, entitled:

An Act validating certain municipal claims of cities and boroughs incorporated towns and townships where not filed within the time specified by law and validating amicable writs of scire facias to revive municipal claims entered by such poltical subdivisions where more than five years have elapsed since original claims were filed or a prior revival thereof made

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Ely,	Leydic,	Sarge,
Andrews,	Ewing,	Lichtenwalter,	Sarraf,
Baker,	Falkenstein,	Long,	Schrock,
Balliet,	Fauset,	Lovett,	Schrope,
Balthaser,	Foor,	Lyons,	Serrill,
Bardes,	Freed,	Malloy,	Shearer,
Bennett,	Fullerton,	Matthews,	Simons,
Bohn,	Furman,	McClester,	Sloan,
Boney,	Gates,	McGarrity,	Stambaugh,
Boorse,	Gillan,	McKinney,	Stank,
Boose,	Gorski,	McLane,	Stewart,
Bower	Habbyshaw,	McNally,	Stockham,
Brancato,	Haines,	McVay,	Tarr,
Broad,	Hall,	Melchiorre,	Taylor,
Bronson,	Harbeson,	Montgomery,	Thistle,
Brown, S. W.,	Henry,	Mooney,	Thompson, G. R.,
Burns,	Hewitt,	Moran,	Tiemann,
Burns,	Hocke,	Moser, J. L.,	Tronzo,
Cadwalader,	Holland,	Moser, F. S.,	VanAllsburg,
Carpenter,	Hoyt,	Muir,	Voorhees,
Check,	Huntley,	Munley,	Wagner,
Chervenak,	Imbrie,	O'Dare,	Walsh,
Christler,	James,	Peale,	Watkins,
Clark,	Johnston,	Preston,	Welsh, E. B.,
Clearwater,	Jones,	Reagan,	Welsh, M. J.,
Cooper,	Kane,	Reese, D. P.,	Wilkinson,
Cordier,	Keenan,	Rider	Wilson,
Corrigan,	Kenehan,	Riley,	Winner,

Cortese,	Kline,	Robertson,	Wood, H. M.,
Dalrymple,	Knoble,	Rooney,	Wood, N.,
DeNote,	Kowalski,	Rose,	Woodside,
Dick,	Krise,	Roseberry,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Downey,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL DROPPED FROM CALENDAR

Mr. GATES. Mr. Speaker, I move that House Bill No. 1407, Printer's No. 473, entitled:

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," requiring certain contracts to be awarded to the lowest bidder; and eliminating requirement that certain contracts be approved by the Department of Highways of the Commonwealth.

on page 16 of today's calendar, bills on second reading, be dropped from the calendar.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 243.

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts

HOUSE BILL No. 356.

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor

HOUSE BILL No. 370.

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void

HOUSE BILL No. 374.

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

HOUSE BILL No. 527.

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

HOUSE BILL No. 738.

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls.

HOUSE BILL No. 755.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption

of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof.

HOUSE BILL No. 900.

An Act to amend sections one thousand four hundred two two hundred five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institntion district school and poor district and repealing a certain inconsistent section.

HOUSE BILL No. 967.

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

HOUSE BILL No. 972.

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases.

HOUSE BILL No. 1074.

An Act to amend sections one and two of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," changing the number and term of members; furthur defining their powers and duties; and terminating the terms of members now in office.

HOUSE BILL No. 1165.

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed.

HOUSE BILL No. 1193.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots.

HOUSE BILL No. 1212.

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

SYMPATHY EXTENDED

Mr. STOCKHAM offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 5, 1939.

Yesterday there came to a member of this House the news of the death of his sister-in-law.

Mrs. Arline McKinney of Bartlesville, Oklahoma, wife of a brother of the Hon. John H. McKinney of Venango County, died on May 4th at her home in Bartlesville, therefore be it

Resolved, That the members of this House hereby extend to the Hon. John H. McKinney their most sincere sympathy upon the loss which has come to him and direct the Chief Clerk of this House to transmit to him a copy of this resolution.

INTERROGATION

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Dauphin, the majority floor leader of the House, advise this House if he has received any communication or has been in touch with the Secretary of Forests and Waters regarding the report which the Secretary of Forests and Waters is supposed to make to this House on the policy of flood control?

Mr. WOODSIDE. Mr. Speaker, I have not contacted the Secretary of Forests and Waters personally, nor do I know of any communication that was directed personally to me concerning the resolution. There are a lot of communications on my desk that I haven't examined personally.

Mr. HOLLAND. Mr. Speaker, does the majority leader of the House feel that the Secretary of Forests and Waters should be permitted to make statements to the press on the program of flood control and completely ignore this House, when we have requested that he make a report to the House?

Mr. WOODSIDE. Mr. Speaker, I think the gentleman from Allegheny would be one of the first men in this House to object if we were to suggest that any man did not have the right to say anything concerning any subject to the press. This is the good sound American principle of free speech in which we all believe.

ADDRESS BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, on March 24, six weeks ago, this House passed a Resolution requesting the Secretary of Forests and Waters to make a report of the conditions, accomplishments, and expenditures of the Flood Control Fund. We have not had any report from Mr. Stewart up to date. Although Mr. Stewart continues to make numerous statements through the press, on the State's stand on Flood Control, no doubt Mr. Stewart feels that this Honse does not rate this report. I think the members of this House are entitled to a statement that definitely defines this Administration's position and future activities in controlling the flood waters of Pennsylvania, and I believe that when this statement is issued

that the Governor of this State should give his executive approval to this statement for after what has happened in the House this week, when the majority leader of this House stated that the relief bill passed by this House was the illegitimate child of his party and that no member of the Republican party would admit his parentage to the Bill. We do not want this to happen on the Flood Control program. Surely the Governor can make one decision and be held responsible, for the decision on Flood Control is a decision that means the saving of life and property in this Commonwealth.

Mr. Stewart speaking at the annual dinner of the North Boroughs Sportsmen Association in Pittsburgh tried to convey the thought to the people of Pittsburgh that his interest was in the people of Pittsburgh only—as he stated, "However, if we can permit the Government to exercise complete control over our waters, the result might be that cities like Pittsburgh will have to go on bended knees some day to the Government for permission to obtain drinking water supply." I do not believe that it will be necessary for me to even comment on this statement. It certainly shows ignorance and lack of knowledge of Federal laws regarding the control of our rivers that have been on the books at Washington for 50 years. He also further quotes in his address that water under Federal control might be diverted to other states.

Now after these statements were made by Mr. Stewart, he was answered by Congressman Snyder, Chairman of the Congressional Sub-committee on Flood Control, who pointed out that if Secretary Stewart continues his stand, and I believe it is more of a utility one, Pennsylvania would be deprived of $16,000,000, their share of Flood Control money. Of course, I must admit that this State is controlled politically by the utilities, for in Governor James' and Sec. Stewart's stand that the Federal Government might develop hydro-electric power, they are only running true to form and carrying out more protection to the utilitles as they have given them in the question of exempting them from taxation on their real estate. Of course, our utilities must be protected as their money is needed in political campaigns and political favors must be paid back.

Yesterday, Mr. Stewart who refuses to take time out in his attack on the Federal Government to make a report on Flood Controls of this House, again makes a few asinine statements. This time he was not talking in Pittsburgh, and like a true politician, makes political statements that he knows applies to the district in which he is trying to gain favor. Mr. Stewart, in speaking of plans to impound the waters of the Allegheny River for Flood Control, stated that he felt that some consideration was due communities called upon to make sacrifice "in order that the people of Pittsburgh might gain benefit," he was referring to the loss of taxes by local community by the acquisition of land for Flood Reservoirs. However, this House persists in exempting the dams owned by the water companies of Pennsylvania. So again I say to Mr. Stewart, why don't you raise your voice over the loss of real estate taxes by water companies who make excessive profits on our water resources? However, I want to point out that when Mr. Stewart was in Pittsburgh talking he tried to convey the impression that his stand on Flood Control was taken to protect the people of Pittsburgh, when he gets away from Pittsburgh, he tries to convey the impression to the rest of the State that the only city profiting from Flood Control is Pittsburgh. Mr. Stewart also states, "Such reservations as we may ask will not affect or hamper Flood Control in the least, but will be only such as will protect what we can see to the interests of the people of our Commonwealth." I wonder what he means by "we" as he refuses to take this House as well as the Senate into his conferences. Maybe the "we" means James, Stewart and the utilities. Now in this morning's Pittsburgh paper, an editor who knows nothing of what he is talking about, heads their editorial "Suspicious New Threat to Flood Control" and goes on to say that "there is something suspicious about the regularity with which attacks from Washington crop up just when it appears as if everything were going alright for Flood Control." I wonder if this paper knows that the Federal change in the Flood Control plans resulted in this Governor's permitting $2,900,000 appropriated to Flood Control to lapse and be placed in the General Fund. I wonder if this paper also knows that the control of rivers is held by the Federal Government and has always been held by the Federal Government. Does this paper know that Pennsylvania and the peanut State, Vermont, through their Governors who are trying to get National publicity as presidential nominees are the only two States who have been objecting and their objections are based solely on their desire to protect utility interest. Mr. Speaker and members of this House, I think it is the duty of the majority leader of this House to see that the Secretary of Forest and Waters immediately discontinue giving statements to every other person in Pennsylvania on his stand on Flood Control—until he gives the members of this House a complete report as demanded by the resolution passed unanimously by this House. This session, I understand, and again I only know what I read in the papers, will close in ten days. No more time should be wasted by the Secretary of Forest and Waters in getting this report to the House promptly. Certainly six weeks should be sufficient time to have his report approved by the utilities.

Mr. HALL. Mr. Speaker and members of the House, for the benefit of the gentleman from Allegheny I feel it is only fair to say to the members of the House that the Secretary of Forests and Waters assured me that this report will be forthcoming. I introduced the resolution in good faith and I am sure such a report will be forthcoming, but I don't know on what date.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

RELIEF

Telegrams from citizens of Pittsburgh demanding immediate hearing on House Bill No. 867.

Referred to the Committee on Welfare.

HIGHWAY EMPLOYEES

Resolutions from the Transport Workers Union, Local 161;

The Federation of Architects, Engineers, Chemists and Technicians;

urging that the State Highway Department recognize the State, County and Municipal Workers of America and bargain collectively with their employees.

Referred to the Committee on State Government.

PREVENTION OF BLINDNESS

Communications from various branches of the Pennsylvania Association for the Blind advocating passage of House Bill No. 500.

Referred to the Committee on Public Health and Sanitation.

PRINTING AND BINDING

A telegram from Philadelphia Typographical Union No. 2 endorsing passage of House Bill No. 977.

Referred to the Committee on Printing.

PLUMBING

A communication from Philadelphia-Suburban Master Plumbers' Association opposing House Bill No. 1383.

Referred to the Committee on Municipal Corporations.

AMERICANISM

Resolutions from 79th Division Association of the American Legion of Philadelphia;
The Henry H. Houston, 2d, Post No. 3, Department of Pennsylvania, American Legion of Germantown;
advocating passage of House Bill No. 550.

Referred to the Committee on Military Affairs.

LIQUOR

A resolution from the Lithuanian Citizens Society of Western Pennsylvania protesting passage of House Bills 924 and 925; advocating passage of House Bill No. 706 and Senate Bill No. 24.

Referred to the Committee on Liquor Control.

EQUAL RIGHTS

Resolutions from Transport Workers Union of Philadelphia;
The Night Workers Branch of the American League for Peace and Democracy;
endorsing the passage of House Bill No. 103.

Referred to the Committee on Judiciary Special.

ALIEN REGISTRATION

A resolution from the Serbian Benevolent Society of Steelton opposing House Bill No. 134.

Referred to the Committee on Judiciary General.

TEACHERS TENURE—ELECTION LAW

A resolution from the Delaware County Teachers' Association;
A communication from the Pittsburgh Teachers Association;
endorsing House Bill No. 777, and opposing passage of House Bill No. 664, and Senate Bill No. 45.

Referred to the Committee on Education.

CITY CHARTER FOR PHILADELPHIA

Resolutions from the Advocate Men's Association of Germantown;
The Home and School Association of the Wm. B. Mann Public School of Philadelphia;
The Germantown Cooperative Association;
advocating submission of City Charter to vote of citizens of Philadelphia.

Referred to the Committee on Cities—First Class.

MARITIME EMPLOYEES

A communication from the Philadelphia Maritime Exchange opposing the passage of House Bill No. 1138.

Referred to the Committee on Cities—First Class.

GREATER PITTSBURGH BILL

A resolution from the Council of the Borough of Munhall opposing the Greater Pittsburgh plan as being injurious to self-government.

Referred to the Committee on Cities—Second Class.

SCHOOLS

Resolutions from the Women's Republican Club of Ridley Township;
The South Philadelphia Citizens Committee on Public Education;
endorsing the passage of House Bill No. 933.

Referred to the Committee on Appropriations.

BINGO

A petition from the members of the Tioga Post No. 319 of the American Legion urging the passage of House Bill No. 350.

Referred to the Committee on Ways and Means.

HIGHWAY IMPROVEMENTS

A resolution from the Allied Construction Industries Association of Western Pennsylvania favoring further delay of final action on all new proposals for distributing Highway funds until a State-Wide Planning Survey is made.

Referred to the Committee on Ways and Means.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Appropriations, Monday, May 8, at 7 p. m. in Room 326 B.

There will be a Public Hearing before the Committee on Mines and Mining on Monday, May 8, at 2 p. m. in the House Caucus Room.

ADJOURNMENT

Mr. HALL. Mr. Speaker, I move that this House do now adjourn until Monday, May 8, 1939, at 8 p. m.

The motion was agreed to, and (at 1:38 p. m.) the House adjourned until Monday, May 8, 1939, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, May 8, 1939.

The Senate met at 8:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Our Heavenly Father, who art wisdom and understanding and without whose help both Capital and Labor are useless, without whose light search for reasonable and permanent mediation upon all matters of controversy are vain, let Thy truth and righteousness prevail today in, perhaps, one of the most bitterly-fought battles in the history of organized labor.

Is this conference convened with the high goal of bettering labor conditions or is it merely to gain the ascendency to greater power for the further bartering of real American labor and the trafficking in the further subjugation of the laborer's destiny for the enhancement of a leader's ungodly ambition? Should women and children suffer especially in paying the price of another great strike in the bituminous coal fields when the status of our unemployment is already staggeringly tragic? O God, have we already arrived, in this land of freedom and independence, at the unthinkable position that men who want to work to support their families and take their rightful places in society are arbitrarily denied that privilege by a few whose Americanism has long been challenged?

God give us men in high places who are humble enough to ask Divine guidance; who are wise enough to open wide the windows of their spirits and be filled full of light; who will put on the whole armor of God, stand fast in the faith, quit themselves like men, be strong; men who love Thee and our country who gave them birth either physical or political or both, that our land may not be shackled by the practice of any other "ism" except Americanism.

God help us to return to the fundamentals of the simple faith and practice in our daily lives for only by putting "first things first" may we be able to set right a dislocated society. We pray in the name of Him who said:—"I am the light of the world." Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN, the furthur reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. SHAPIRO asked and obtained leave of absence for the Senator from Luzerne, Mr. MUNDY, for the balance of the week, on account of a death in his family.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointments as Notaries Public which were laid on the table.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

FAVORING PASSAGE OF SENATE BILLS NOS. 485, 414, 415 and 138

Communication from the Pittsburgh Teachers Association, endorsing the following Senate Bills: Numbers 485, 414, 415 and 138.

PROTESTING AGAINST PROPOSED CHANGE AND PRESENT COMPENSATION LAWS

Telegram from Thomas D. Beers Treasurer of Local No. 436 of United Brick and Clay Workers of America protesting proposed change and present compensation laws.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL NO. 661 (HOUSE NO. 1431)

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 661, (House No. 1431), entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing dnties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 662 (HOUSE NO. 1432)

He also returned to the Senate, Senate Bill No. 662, (House No. 1432), entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphan's court of the various counties and imposing penalties.

with the information that the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 1030, (Senate Bill No. 957), entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "Workmens Compensation Act of 1915," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; increasing powers and duties of the board; and imposing additional penalties and generally amending; clarifying and changing the provisions of said act.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1031, (Senate Bill No. 958), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred thirty-seven (P. L. 2714), entitled "Occupational Disease Compensation Act."

Which was committed to the Committee on Labor and Industry.

House Bill No. 1075, (Senate Bill No. 959), entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

Which was committed to the Committee on State Government.

House Bill No. 1076, (Senate Bill No. 960), entitled:

An Act to amend the act approved the first day of June, one thousand nine hundred and thirty-seven, (P. L. 1168), entitled "Pennsylvania Labor Relations Act" broadening the definition of "labor dispute;" further defining the rights of employes; further defining and limiting unfair labor practices; making further provision for designation and selection of representatives for the purposes of collective bargaining; changing the practice before the Pennsylvania Labor Relations Board and limiting its powers in certain cases; and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1301, (Senate Bill No. 961), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "Workmen's Compensation Act of 1915" as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1302, (Senate Bill No. 962), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "Workmen's Compensation Act of 1915" as reenacted and amended; to exempt domestic servants and agricultural workers from the provisions thereof, except in certain cases.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1401, (Senate Bill No. 963), entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties.

Which was committed to the Committee on Labor and Industry.

House Bill No. 158, (Senate Bill No. 964), entitled:

An Act to further amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," by etxending the purposes for which counties may use moneys received from said tax.

Which was committed to the Committee on Highways.

House Bill No. 554, (Senate Bill No. 965), entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law.

Which was committed to the Committee on Municipal Government.

House Bill No. 860, (Senate Bill No. 966), entitled:

An Act to amend sections nine and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law" as amended, further regulating the filing of claims for taxes, water rents or rates, lighting rates, power rates and sewer rates; removing the right to revive, extend or continue the lien of such claims, prescribing the time for selling properties for the non-payment of such claims, and in certain cases extending existing liens.

Which was committed to the Committee on Municipal Government.

House Bill No. 1022, (Senate Bill No. 967), entitled:

An Act to amend further section five of an act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "City State Highway Law," by providing that the Department of Highways may, in the discretion of the Secretary of Highways, construct, reconstruct, resurface or maintain additional width.

Which was committed to the Committee on Highways.

House Bill No. 1026, (Senate Bill No. 968), entitled:

An Act to provide that, under certain conditions, roads, highways, bridges, and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways, and providing for condemnation of land and payment of damage therefor.

Which was committed to the Committee on Highways.

House Bill No. 1036, (Senate Bill No. 969), entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificates for whiskey or any other potable, distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding tranactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

Which was committed to the Committee on Banking.

House Bill No. 1149, (Senate Bill No. 970), entitled:

An Act to furthur amend section seventen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes Retirement Law" authorizing payment by the board to a credit union where rights have been assigned, and the note is unpaid; and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

Which was committed to the Committee on State Government.

House Bill No. 1225, (Senate Bill No. 971), entitled:

An Act to further amend clause (f) of section twelve of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated.

Which was committed to the Committee on Judiciary General.

House Bill No. 1321, (Senate Bill No. 972), entitled:

An Act cancelling certain debts due the Commonwealth by townships and the agreements under which such debts were created.

Which was committed to the Committee on Highways.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 243

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 243, entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse the jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 356

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 356, entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 374

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 374, entitled:

An Act to amend section three of article one, and section forty, of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "Transfer Inheritance Tax Loan," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefore; and providing for the repayment of taxes paid in excess of amount due on future estates.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 527

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 527, entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills have passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 243, entitled:

An Act regulating the selection, drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties, creating a jury board and definng its powers and procedure, providing for the appointment of a clerk to the jury board and fixing his maximum salary, providing for the custody

of the jury wheel and the filing and custody of jury lists, providing for the public drawing of jurors and the methods thereof, giving the trial judge the right to excuse jurors, prescribing the time of challenging jurors or the array regulating the procedure if array is quashed and repealing inconsistent acts.

House Bill No. 1212, entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

House Bill No. 1193, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots.

House Bill No. 1165, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

House Bill No. 1074, entitled:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and terms of members furthur defining their powers and duties and terminating the terms of members now in office.

House Bill No. 356, entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

House Bill No. 972, entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week, except in emergency cases.

House Bill No. 967, entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

House Bill No. 900, entitled:

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine, and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled, "Third Class City Law," as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; providing for delinquent tax collectors for the collection of taxes; and repealing a certain inconsistent section.

House Bill No. 755, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "Municipal Indebtedness Law" and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

House Bill No. 738, entitled:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

House Bill No. 527, entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

House Bill No. 374, entitled:

An Act to amend section three of article one, and section forty, of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "Transfer Inheritance Tax Loan," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor; and providing for the repayment of taxes paid in excess of amount due on future estates.

House Bill No. 370, entitled:

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen, (P. L. 403), entitled "Wills Act of 1917," to change the duration of the period within which certain bequests or devises are void.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CROWE, from the Committee on Insurance, reported as amended, Senate Bill No. 560, entitled:

An Act providing for a uniform compensation to fire insurance agents and brokers, prohibiting additional compensation in any form; and providing remedies to such agents or brokers as may be effected by departure from such uniform compensation.

Mr. McGINNIS, from the Committee on County Government, reported as amended, Senate Bill No. 376, (House Bill No. 74), entitled:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and

consolidating the laws relating thereto" as amended, providing for the appointment, the term and compensation of county detectives in counties of the fifth and sixth class.

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as amended, Senate Bill No. 474, entitled:

An Act to amend a part of section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases," providing for the payment of costs in dismissed summary conviction proceedings by the prosecutor or defendant or partly by each.

Mr. CROWE, from the Committee on Forestry, Game and Fish, reported as amended, Senate Bill No. 160, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, furthur regulating the taking of fish from inland waters and the possesion thereof; changing the fee for securing a duplicate fishing license upon loss of the original, and the requirements as to giving notice of closing waters to fishing by the board; providing additional penalties; and authorizing and regulating the acquisition, use, control, leasing, sale and exchange of property by the Board of Fish Commissioners, and of rights in or relative to, and the products of such property.

BILLS INTRODUCED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 973, entitled:

An Act providing that a convicted person is a competent witness, although such conviction may be shown to affect his credibility.

Which was committed to the Committee on Judiciary General.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 974, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on certain State highways in cities of the first class.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 975, entitled:

An Act to amend section one of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 218, 1933-34), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," by enlarging the provisions thereof to include bonds which may hereafter mature and remain unpaid and bonds which have not matured but which the holders thereof have consented to surrender, and increasing the period within which refunding bonds of cities of the first class issued under the provisions of said act may be made to mature.

Which was committed to the Committee on Municipal Government.

Mr. THOMAS, by request, read in his place and presented to the Chair Senate Bill No. 976, entitled:

An Act to protect public health, safety and morals and to promote the common welfare by regulating the use and occupancy, reuse and re-occupancy, and the renting and re-renting for use and occupancy of all buildings in cities of the third class, planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment, by requiring the issuance of certificates of occupancy, and by requiring owners, agents and tenants to obtain such certificates of occupancy, conferring powers and imposing duties upon the Department of Public Safety of cities of the third class; providing for inspections and inspection fees, and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties; and repealing inconsistent acts or parts of acts.

Which was committed to the Committee on Municipal Government.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 977, entitled:

An Act to amend by adding section two hundred and four to the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, provileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," providing that a certificate of public convenience shall not be granted to any public utility engaged in producing generating, transmitting, distributing or furnishing competitive commodities and authorizing and empowering the commission to enjoin any public utility so engaged.

Which was committed to the Committee on Public Utilities.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 978, entitled:

An Act to amend paragraph (a) of section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by prohibiting the issuance of executive on judgments recovered against aged persons.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 979, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," by changing the rate of interest, on loans.

Which was committed to the Committee on Finance.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 980, entitled:

An Act to amend section fourteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, providing an additional cause for vacating commissions of officers and warrant officers of the National Guard.

Which was committed to the Committee on Military Affairs.

He also read in his place and presented to the Chair Senate Bill No. 981, entitled:

An Act to amend paragraph one of section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs," as amended, altering qualification requirements for the award of such medals and the specification and design thereof.

Which was committed to the Committee on Military Affairs.

Mr. CROWE, by request, read in his place and presented to the Chair Senate Bill No. 982, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," authorizing the board to issue permits for certain nets; making it unlawful to make, sell or possess certain nets; and providing penalties.

Which was committed to the Committee on Forestry, Game and Fish.

Mr. JAMES read in his place and presented to the Chair Senate Bill No. 983, entitled:

An Act authorizing municipalities of an adjacent state to acquire and hold property in the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

TIME OF NEXT MEETING

Mr. BARTLETToffered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 8, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 15, 1939, at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 15, 1939, at eight o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

Mr. WOLFENDEN. Mr. President, as sponsor of the bill, the amendments made in the House are satisfactory to me.

Mr. OWLETT. Mr. President, I move that the Senate concur in the amendments.

Mr. JAMES. Mr. President, I second the motion.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bartlett,	Frey,	Kunkel,	Ruth,
Chapman,	Gelder,	Lanius,	Scarlett,
Coleman,	Geltz,	Letzler,	Sipe,
Crowe,	Gilson,	Mallery,	Snowden,
Dando,	Haluska,	McCreesh,	Stevenson,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Homsher,	Miller,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Farrell,			

NAYS—1.

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

Senate Bill No. 661, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

Senate Bill No. 662, entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

AMENDMENT TO HOUSE BILL NO. 549 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" as amended, by increasing clothing allowances and requiring a report by commanding officers.

Said bill having ben recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said bill as amended will be noted on tomorrow's Calendar.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 456, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is hereby proposed in accordance with the eighteenth article thereof

That section one article nine of the Constitution of Pensylvania is hereby amended to read as follows

Section 1 Except as hereinafter specifically provided all taxes shall be uniform upon the same class of subjects with the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and presonal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Income inheritance and estate taxes shall be levied and collected under general laws but such laws may grant exemptions and may impose graded or graduated rates but no intangible personal property shall be subject to any other State or local tax either on income or capital values during any time that the income therefrom is taxed under any law imposing an income tax on individuals

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President and members of this Senate, when this bill, No. 456, was before the Senate last week I was advised by some of my wiser friends to say nothing. I said nothing and the bill failed by two votes; and therefore, on this occasion I am going to say something.

I do not mind revealing the secret that this is a graduated income tax bill but there is no thought of imposing an income tax on top of personal property tax.

There is a joint resolution which has passed the Senate by only two votes and, I hope is on its way through the House, and it will come up to a vote in 1939; and if approved by them would open the door for the repeal of the personal property tax and, therefore, open the door for a subsequent graduated income tax. This is the first call and, therefore, has to be passed by a subsequent legislative session and will not come before the voters until 1941. Therefore, you have ample opportunity to change your minds if you do not like it.

Thirty-six states have a graduated income tax and only one, Louisiana, has any limit, and that state has a limit of six per cent, which we have taken out.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, does this amendment remove intangible personal property from the assessed valuation for taxing purposes?

Mr. WOODWARD. Mr. President, the final paragraph is the important one: "Income inheritance and estate taxes shall be levied and collected under general laws but such laws may grant exemptions and may impose graded or graduated rates but no intangible personal property shall be subject to any other State or local tax—"

Does that answer the question of the Senator from Fayette?

Mr. CAVALCANTE. Mr. President, the question is this: In the making up of assessed valuation for taxing purposes, like in the City of Philadelphia, personal property is added to the assessed valuation of real estate for taxing purposes.

Mr. WOODWARD. That is right, Mr. President.

Mr. CAVALCANTE. Mr. President, will this amendment to the constitution eliminate personal property from that arrangement?

Mr. WOODWARD. Mr. President, the former joint resolution, which is now in the House, separated personal property items from real estate items for borrowing purposes and, therefore, enables us to get rid of the personal property tax in order to open the door for the income tax. You certainly do not want an income tax on top of personal property tax.

Mr. CAVALCANTE. Mr. President, that may be true, but at the same time I cannot see why we ought to make a distinction between the man who owns $10,000 worth of intangible personal property and the man who might own $10,000 worth of real estate. The only difference in those two natures of properties is that the man who owns $10,000 worth of stocks and bonds can take those and hide them in a safety deposit box, and the man that owns real estate worth $10,000 cannot put that in a safety deposit box, and the tax collector and the levying powers seize upon it. Now, if this amendment has the tendency to eliminate intangible personal property from the same classification as real estate, I think it is a very bad amendment to make to the constitution.

Mr. SHAPIRO. Mr. President, I should like to interrogate my colleague from Philadelphia, Senator Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I do not think it is the intention of these amendments to prohibit the taxing of personal property by the city?

Mr. WOODWARD. No, Mr. President.

Mr. SHAPIRO. Mr. President, whether that would follow or not, after the passage of these amendments, would depend upon whether or not the other amendment passes.

Mr. WOODWARD. Mr. President, there are two personal property taxes, the local and the State.

Mr. SHAPIRO. Mr. President, does not my colleague from Philadelphia think it would be much better to amend this Act to provide that personal property shall not be taxed where an income tax is passed.

Mr. WOODWARD. Mr. President, I think this language covers it pretty well.

Mr. SHAPIRO. I do not think so, Mr. President.

Mr. WOODWARD. Mr. President, the bill states: "No intangible personal property shall be subject to any other State or local tax—"

Mr. SHAPIRO. Mr. President, may I further interrogate the gentleman from Philadelphia?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be further interrogated?

Mr. WOODWARD. I will, Mr. President.

Mr. SHAPIRO. Mr. President, under those circumstances does not the Senator think it would be better by amendment to remove the words "or local?"

Mr. WOODWARD. Personally, Mr. President, I believe in these words. I think the dependence of the locality upon the personal property tax—we all know, it is very badly collected in the counties and is uncertain in its returns. And I am equally opposed to the State tax and the local tax.

Mr. SHAPIRO. Mr. President, I am heartily in favor of the amendments proposed but I also know that the Commonwealth of Pennsylvania prohibits the counties from taxing the same subject matters that the State taxes.

If we are going to prohibit the counties from taxing the same subject matters and then prohibit the county from taxing other matters, I think we are going to run into difficulties where we are trying to manage the budgets of the particular localities.

If the other amendment passes to which the gentleman has referred, that might save us some trouble; but if we pass this amendment in its present form and then we do not pass amendments eliminating personal property from the borrowing capacity, I am sure my colleague, the gentleman from Philadelphia, can see the difficulty we are in.

BILL OVER IN ORDER

I therefore ask unanimous consent that Senate Bill No. 456 go over in its order; but suggest that we consider, between now and tomorrow, the question of amending the bill so as to remove such a difficulty.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 486, as follows:

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which such corporations may issue policies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any corporation now formed or organized under the provisions of the ninth paragraph section two of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" namely "The maintenance of a society for beneficial or protective purposes to its members from funds collected therein" except fraternal benevolent charitable or secret societies issuing beneficial certificates and paying benefits to their membership through the lodge system and insurance or relief associations formed by or for the exclusive benefit of employes of corporations or firms or formed by or for the exclusive benefit of members of any religious corporation or association may be reincor-

porated as a life insurance company of the class known as limited life insurance companies for the purpose of making insurance either upon the stock or mutual principle upon the health of individuals and against personal injury or disablement and against death resulting from natural or accidental causes but such corporations shall not issue policies agreeing to pay more than twenty dollars per week in the event of disablement from sickness not more than double that amount in the event of disablement from accident nor more than five hundred dollars in event of death

Section 2 Any such corporation formed or organized as a society for beneficial or protective purposes to its members desiring to reincorporate under the provisions of this act shall proceed in the following manner A meeting of the members of such corporation shall be held and if a majority of the members of such corporation shall vote or authorize a vote in favor of the reincorporation a resolution to that effect shall be adopted and upon the recording of such resolution in the office for the recording of deeds in the county where such corporation has its principal office the directors of such corporation may make articles of association as provided by law for the incorporation of insurance companies upon which articles shall be had the same proceedings as provided by law for the incorporation of new insurance companies and upon the approval of said articles the corporation shall become a corporation under this act and shall be authorized to transact the business of insurance in the same manner and upon the same conditions as insurance companies are by law authorized to do in so far as not inconsistent with the provisions of this act

Section 3 Any such corporation reincorporated under the provisions of this act shall place reserves on the life portion contained in all policies issued based upon a standard table of mortality with interest at three and one-half per cent (3½%) as approved by the Insurance Department of the Commonwealth and reserves shall be carried on the disability feature of fifty per centum of the actual weekly monthly or annual premiums in force and reserves shall be charged on all definite and outstanding incurred claims

Section 4 Capital stock of a joint stock company as reincorporated under this act shall not be less than twenty-five thousand dollars and shall be divided into shares of not less than ten dollars each payment of which shall be made in lawful money ten per centum on each share at the time of subscribnig and the balance at such times as the company may direct not exceeding one year from the time of subscription and the company may provide such rules with regard to forfeiture of partial payments on subscriptions as they may deem advisable which rules shall be binding upon the subscribers provided they are made known at the time of subscription Every such company shall in addition thereto have a surplus paid in at least equal to the amount of the capital stock

Section 5 The annual meeting for election of directors of such reincorporated company shall be held at such time in the month of January as the by-laws of the company may direct and such notice of the time and place of meeting shall be given to the stockholders or members as may be provided in the by-laws and at such annual meeting the stockholders or members shall elect by ballot not less than five nor more than thirteen directors to serve for one year and until their successors are duly chosen Provided That at any annual meeting of the stockholders or members it may and shall be lawful to divide the directors which are to be chosen into two three or four classes and to elect the first class to serve for the term of one year and the second third and fourth to serve two three and four years respectively and at all ensuing elections of said company the stockholders or members shall only elect the number of directors necessary to take the place of those whose terms of office shall then expire and such directors shall be elected as hereinbefore provided And in case a vacancy or vacancies shall happen in the number of said directors the board of directors shall choose and elect a proper person or proper persons to fill such vacancy or vacancies during the remainder of the term or terms for which the person or persons in whose place or places such vacancy or vacancies shall have happened shall have been elected

Section 6 Any mutual company or reincorporated under this act shall be authorized to do the business of insurance when it shall have received from not less than two thousand persons applications for insurance against death amounting to not less than two hundred fifty thousand dollars upon which applications one-twelfth of the annual premium shall have been paid Provided That no such company shall be authorized to do the business of insurance until it shall have a guarantee capital of at least twenty-five thousand dollars and a surplus of at least twenty-five thousand dollars and until it shall have deposited with the Insurance Commissioner the sum of twenty-five thousand dollars in cash or approved securities which sum the Insurance Commissioner is hereby authorized and empowered to receive and it shall be his duty to hold the same for the benefit of the members of such corporation and its creditors preference being given thereto in the following order to wit first claims under policies second salaries of employes third general creditors

Section 7 This act shall become effective immediately upon final enactment and shall expire the thirty-first day of December one thousand nine hundred forty-two

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42.

Bartlett,	Gelder,	Lanius,	Ruth,
Chapman,	Geltz,	Letzler,	Scarlett,
Coleman,	Gilson,	Mallery,	Sipe,
Crowe,	Haluska,	McCreesh,	Snowden,
Dando,	Heyburn,	McGinnis,	Stevenson,
Deitrick,	Homsher,	Miller,	Tallman,
Dent,	Jacobs,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Farrell,	Kunkel,		

NAYS—3.

Cavalcante,	Shapiro,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 537, as follows:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Section one of article eight is hereby amended to read as follows

Section 1 Every citizen twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact

He or she shall have been a citizen of the United States at least one month

2 He or she shall have resided in the State one year (or having previously been a qualified elector or native born citizen of the State he or she shall have removed therefrom and returned then six months) immediately preceding the election

3 He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election

4 If twenty-two years of age and upwards he or she shall have paid within two years a county municipal or school tax which shall have been assessed at least two months and paid at least one month before the election

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, I desire to change my vote from "aye" to "no".

The PRESIDENT. It will be so recorded.

Mr. OWLETT. Mr. President, I desire to change my vote from "aye" to "no".

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23.

Bartlett,	Edmonds,	Metzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Geltz,	Miller,	Walker,
Dando,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Snowden,	

NAYS—22.

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Eroe,	Kilgallen,	Reed,	Stiefel,
Gelder,	Kunkel,		

Less than a Constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 842, on final passage, entitled:

An Act to repeal section three hundred and two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six, (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons: providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties

be recommitted to the Committee on Insurance for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 278, (House Bill No. 38), on final passage, postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 278, (House Bill No. 38), as follows:

An Act to amend Sections Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled (as amended) "An Act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and four of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (P. L. 463) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 739) are hereby further amended to read as follows

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so

In the event that such resolution or ordinance sets forth the proposed articles of incorporation in full it shall not be required (any law to the contrary notwithstanding) in publishing such resolution or ordinance under the provisions of existing law to abolish such proposed articles of incorporation in full but it shall be sufficient compliance with such law in such publication to set forth briefly the substance of such proposed articles of incorporation and to refer to the provisions of this act Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be pub-

lished at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making refcrence to this act and shall state that on a day certain not less than three days after publicantion of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A Statement that such Authority is formed under this act

(c) A Statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three Special Session one thousand nine hundred and thirty-three (P. L. 114) is in existence in or for the incorporating municipality or municipalities except that where any one or more of the municipalities have already joined with other municipalities not composing the same group in organizing a joint Authority the application shall set forth the name of the Authority theretofore created together with the names of the municpalities joining therein

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said Authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said Authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of acquiring holding constructing improving maintaining and operating owning leasing either in the capacity of lessor or lessee buildings to be devoted wholly or partially for public uses and for revenue-producing purposes transportation marketing shopping terminals bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars projects parks recreation grounds and facilities sewers sewer systems or parts thereof sewage treatment works waterworks water supply works water distribution systems swimming pools playgrounds lakes dams hospitals motor buses for public use when such motor buses are to be used within any municipality and subways (any and all the foregoing being herein called "projects") The purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes Provided however that the municipality or municipalities organizing such an Authority may in the resolution or ordinance signifying their intention so to do or from time to time by subsequent resolution or ordinance specify the project or projects to be undertaken by the said Authority and no other projects shall be undertaken by the said Authority than those so specified Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal.

(d) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects.

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation.

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority said bonds to have a maturity date not longer than forty years from the date of issue and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all of any its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof and in respect to any project constructed and operated under agreement with any public Authority of any adjoining state to borrow money and issue such notes bonds and other evidences of indebtedness and obligations jointly with any such Authority

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

(o) To contract with any corporation or any public Authority or any adjoining state on such terms as the said Authority shall deem proper for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state

Provided however that the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Penn-

sylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 Section five of said act is hereby amended to read as follows

Section 5 Purposes and Powers Bonds The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth of Pennsylvania or any political subdivision thereof) for such obligations or restricting the same to all or any of the revenues of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of the project and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

Any Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the Authority thereunder Such deeds of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any project and the duties of the Authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 3 Sections nine and eleven of said act as amended by the act approved the twentieth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 739) are hereby further amended to read as follows

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county or any owner may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township or owner any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports, hangars parks recreation grounds and facilities swimming pools sewers sewer systems or parts thereof sewage treatment works waterworks water supply works water distribution system lakes or any part of parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

This section without reference to any other law shall be deemed complete for the acquisition by agreement of projects as defined in this act located wholly within or partially without the municipality or municipalities causing such Authority to be incorporated any provisions of other laws to the contrary notwithstanding and no proceedings or other action shall be required except as herein prescribed

Section 11 Acquisition of Lands Water and Water Rights The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands water and water rights as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That water and water rights may not be acquired unless and until approval is obtained from the Water and Power Resources Board in accordance with the law in such cases made and provided And provided further That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 4 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, this bill originally gave the right to State authorities—to local authorities, rather, to engage in water projects and sewer projects. It was then amended so as to make the bonds of those authorities subjects of investment for trust funds. It was then amended to make these bonds negotiable instruments. And then it was amended to take out the trust fund portion, so that these bonds are no longer investments for trust funds. Now it is amended so as to include not only the purchase of water works from municipalities but also from private owners.

Ordinarily this bill might not mean anything but if you read the rest of the bills that are coming through the Senate, there was one bill that came from the House last week which makes these bonds, municipal authority bonds, proper for deposit to secure bank deposits.

In other words, there is a bill—I think it is 1114 or 1144—coming from the House which provides that the deposits of State money in banks in Philadelphia and Pittsburgh may be secured by authority bonds or even by tax anticipation notes.

If we pass these bills and we continue to allow these State authorities to issue these bonds we will find ourselves in a position where we just as well might have permitted the amendment in the bill; and I think this bill is a bad bill because it does not stand alone but is aligned with other bills that are coming over to the Senate for passage, which will make the bonds acceptable as security—give the State a great deal of security which may turn out to be of no value, and for that reason I am voting against this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Letzler,	Snowden,
Chapman,	Farrell,	Mallery,	Stevenson,
Crowe,	Gelder,	Miller,	Tallman,
Dando,	Geltz,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,		

NAYS—20

Cavalcante,	Gilson,	Kunkel,	Rice,
Coleman,	Haluska,	Lanius,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Frey,	Kilgallen,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 514, on final passage, postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 514, as follows:

An Act to amend sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" changing the conditions for borrowing money for current expenses and authorizing a supplemental budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" are hereby amended to read as follows

Section 308 Borrowing Powers The commissioners of each county shall have power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the institution district to raise funds for the acquisition of real estate for the erection and equipment of buildings for the payment of obligations of the predecessor poor district and for the refunding of outstanding bonds issued by it or the predecessor poor district Such bonds shall be issued and sold in the manner provided by law for county bonds

The commissioners may also borrow moneys for current expenses giving notes of the institution district payable in not over one year bearing not over six per centum interest and negotiated for not less than par

Section 309 Budget and Financial Requirements The commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year Such proposed budget shall be prepared in a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine Final action shall not be taken on any proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which

will cause the sums appropriated to specific purposes to be exceeded

In the year one thousand nine hundred and thirty-nine the commissioners of any county institution district having an institution for the care and maintenance of mental patients transferred to the Commonwealth under the act approved the twenty-ninth day of September one thousand nine hundred and thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" shall have power to adopt a supplemental budget to any annual budget theretofore adopted for the amount of funds that will be required by such district to operate such institution for that proportion of the year one thousand nine hundred and thirty-nine not provided for in the regularly adopted annual budget and for the purpose of providing funds for the expenditures set forth in such supplemental budget may borrow moneys in accordance with section three hundred eight hereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, it may be that some of the Senators might find it necessary to vote for this bill but I cannot let this bill pass without saying a word in condemnation of the whole principle that is in back of this bill.

Last year we passed in the Special Session—included in the call for the Special Session and passed in that Session—a bill which provided for the State taking over the care, the absolute responsibility for the care of, insane persons. I think that was a step in the right direction—all socially minded people will agree with that—I think it was time the State did it. As a matter of fact it should have done it long ago.

Most of the local institutions are run in a very bad manner—and to put it that way is to put it mildly. The institution in Philadelphia was a disgrace to the community, and with all due respect to my colleagues who come from different counties, I say also that some of the institutions in their districts are also a disgrace to their counties.

During an investigation that was held in Philadelphia in connection with these matters we received information from institutions in other counties which will prove the fact I am stating now. There are many reasons for that, the most important one of which is that the counties do not have the money with which to furnish proper care for the institutions. Some other reasons are, the political affiliations of those in charge with the local communities so that most of the institutions are run on the basis of political appointments. That was true of Philadelphia and it is true elsewhere.

I want to say here now that the Commonwealth of Pennsylvania will rue the day that it began to carry out the program which the Governor has inaugurated, namely, to reverse that position and to defer for another two years the taking over of those institutions by the Commonwealth. I hope it will not happen, but I am afraid within two years there will be repercussions from this action which will be a disgrace to the Commonwealth, and as the only way I can voice my protest I am going to vote "no" on this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Eroe,	James,	Scarlett,
Chapman,	Farrell,	Kilgallen,	Snowden,
Coleman,	Frey,	Kunkel,	Stevenson,
Crowe,	Gelder,	Letzler,	Tallman,
Dando,	Geltz,	Mallery,	Thomas,
Deitrich,	Gilson,	Miller,	Walker,
Ealy,	Heyburn,	Owlett,	Wolfenden,
Edmonds,	Homsher,	Pierson,	Woodward,

NAYS—15

Cavalcante,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Reed,	Sipe,
DiSilvestro,	Lanius,	Rice,	Stiefel,
Haluska,	McCreesh,	Ruth,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

RECONSIDERATION OF SENATE BILL No. 537

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 537, entitled:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "nay."

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "nay."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. McGINNIS. Mr. President, I move that this bill be sent back to committee. I cannot understand why an income tax bill should be tied up with a personal property tax in any way; we do not know what the emergency may be in our State in the future.

Mr. WOODWARD. Mr. President, may I correct the Senator from Allegheny, Mr. McGinnis? He has the wrong bill.

MOTION WITHDRAWN

Mr. McGINNIS. Mr. President, I am sorry; I will withdraw the motion.

Mr. STIEFEL. Mr. President, I would like to interrogate the Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. STIEFEL. Mr. President, I would like the Senator from Philadelphia to explain the contents of the bill.

Mr. WOODWARD. Mr. President, it is all in the last paragraph, paragraph 4: "If twenty-two years of age and upwards he or she shall have paid within two years a county, municipal or school tax which shall have been assessed at least two months and paid at least one month before the election."

Mr. STIEFEL. Mr. President, what is the purpose of this bill.

Mr. WOODWARD. Mr. President, I do not want to make the same speech I made before. I stood up here last week and spoke a few words in behalf of the underprivileged rich, the people who pay the taxes. I also said there were fifty-one per cent of the people who had savings funds or insurance and had some stake in the government, and forty-nine per cent who did not—approximately those percentages—and that anyone who owned anything—either a small capitalist or a large capitalist, ought to be interested in having some limit to those who have the right to vote—it is certainly apparent what it is all about. Of course if you do not like it you will vote against it.

Mr. STIEFEL. Mr. President, what will happen to those people who are unable to pay that money?

Mr. WOODWARD. Mr. President, of course in most counties they have an occupation tax which is very small —I think it is fifty cents or seventy-five cents—we do not have it in Philadelphia—and of course that will enable them to vote.

Mr. STIEFEL. As a matter of fact, Mr. President, that will be a drain on the political parties?

Mr. WOODWARD. Well, Mr. President, I do not understand what the Senator means.

Mr. STIEFEL. Well, Mr. President, I mean the politicians will pay the tax.

Mr. WOODWARD, Well, Mr. President, that has been done in the past.

Mr. STIEFEL. Why should it be permitted in the future, Mr. President?

Mr. WOODWARD. Well, Mr. President, the issue is very plain, of course.

Mr. DENT. Mr. President, if I understood the argument of the gentleman from Philadelphia when he spoke about this bill last week he said one of his reasons for introducing this bill was that there were too many voters. I, of course, cannot go along with that proposition in a Democracy.

I believe it was the Hamiltonian concept of government to have fewer voters and restrict them to a certain class.

It was well known, in the old days, when we had the so-called poll tax, that those who were able to spend large sums of money paid the poll tax of many voters and thereby were able to control their votes. I think when we repealed that Act we came down to a good democratic form of government. Nobody should ever take away from the citizen his right to vote, and predicating his right to vote upon an ability to spend money or pay taxes is not, of course, my conception of a Democratic form of government.

Whether it be fifty cents or one dollar, or whatever it may be—there is not restriction in the act to set any minimum amount, to be set up by the counties, and this is the first nail to be driven into the coffin of those persons who are on relief because of economic conditions should be deprived of their greatest privilege—the right to vote.

I think all decent Americans should vote against this bill.

Mr. SHAPIRO. Mr. President, I desire to interrogate my distinguished colleague from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. I will, Mr. President.

Mr. SHAPIRO. Mr. President, is it not true that poll tax requirements were repealed two years ago?

Mr. WOODWARD. Yes, Mr. President.

Mr. SHAPIRO. And, Mr. President, this will restore the same situation?

Mr. WOODWARD. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, I should like to say a word in connection with this bill, which I think is of serious import. My experience in practical politics has shown every time you have a poll tax imposed the committeeman goes around and pays the tax for the people who are too poor to pay it—we know that when we repealed the poll tax law, and we did it because we got tired of having evasions of the law and making the so-called poor people dependent on the committeeman. I think we had a great deal of experience on that bill. It was because of our past experience that we thought we would be better off without such a law, and now to restore that condition again seems to be rather an anomaly. That situation became unendurable.

We have lived under the new situation only a few years and I think it is a much better sight to see these ladies and gentlemen walking into the polling place without being stopped a block away by a committeeman, and having him talk to them a few minutes and then having a shaking of the hand—and the knowledge on the part of most of us—although we cannot prove it—that the poll tax was being paid by somebody else.

This will restore the same condition which we wiped out and I do not think we ought to make it easy for a crime to be committed.

Mr. DENT. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. I will, Mr. President.

Mr. DENT. Mr. President, as I understand from the argument of the Senator from Philadelphia, Mr. Woodward, last week, he said, I believe, something to this effect: that the greater percentage of voters that cast votes are non-property holders—in other words, non-taxpayers.

Mr. WOODWARD. Mr. President, I said there were too many voters.

Mr. DENT. Mr. President, I know the Senator said there were too many voters.

Mr. WOODWARD. Mr. President, I did not say the other thing.

Mr. DENT. Mr. President, would it be reasonable to assume that the Senator from Philadelphia would take the attitude that only property owners should vote?

Mr. WOODWARD. Well, Mr. President, I think this occupation tax—I know a man and his wife right here in Harrisburg who pay an occupation tax, amounting to less than a dollar for the two of them, and I do not think that is a very great hardship.

Mr. DENT. Except, Mr. President, when the person does not have the dollar.

Mr. WOODWARD. I consider the occupation tax a very

small tax. Yes, I believe people, who have a stake in the Government, ought to have some preference in voting.

Mr. DENT. Mr. President, then the Senator from Philadelphia believes that the person owning property should be given preference in voting?

Mr. WOODWARD. I do not think this taxicab driver owns anything. He does not own anything and his children are going to school. He does not own anything—his wife has to pay, I think, ninety-seven cents.

Mr. DENT. Mr. President, does he have to pay rent?

Mr. WOODWARD. Yes, Mr. President.

Mr. DENT. Then, Mr. President, he pay taxes.

Mr. WOODWARD. Yes, Mr. President.

Mr. DENT. Mr. President does he buy cigarettes and other things?

Mr. WOODWARD. Yes, Mr. President.

Mr. DENT. Then, Mr. President, he pays taxes.

Mr. WOODWARD. Yes, Mr. President.

Mr. DENT. Now, Mr. President, we are getting around to the question I wanted answered in the first place. Does the Senator from Philadelphia personally believe a person ought to own property before he or she be permitted to vote?

Mr. WOODWARD. Mr. President, I object to "owning property." That is misleading. I think everyone who votes should pay something for the privilege of voting. They do not necessarily have to own property—it may be a poll tax or an occupation tax. It is a very unpopular position to be in, I admit that. You can tear it to shreds, but when you go home and are in the confines of your own home, you will know that I am right.

Mr. DENT. Mr. President, of course, I cannot say that, in the privacy of my home, I would prescribe to that political philosophy. However, the Senator has answered the question by saying that a person in order to vote should pay for the privilege. That, I repeat, is not my idea of a Democratic government, so I will enjoy the privilege of voting "No."

The PRESIDENT. The vote is on the motion to recommit the bill to committee.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, are we now voting on the bill or on the motion?

The PRESIDENT. We are now voting on the motion to recommit.

Mr. OWLETT. Mr. President, I submit that has already been decided. The motion to recommit was made in error and then withdrawn.

The PRESIDENT. That is correct. The vote is on the final passage of the bill.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "No."

The PRESIDENT. It will be so recorded.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Heyburn,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,
Edmonds,	Letzler,		

NAYS—21

Cavalcante,	Gilson,	Kunkel,	Rice,
Coleman,	Haluska,	Lanius,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 22, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to interrogate the gentleman from Bucks, Senator James.

The PRESIDENT. Will the Senator from Bucks permit himself to be interrogated?

Mr. JAMES. Mr. President, I will.

Mr. REED. Mr. President, on today's calendar, on page eight, there is a bill at the top of the page, Senate Bill 619, Printer's No. 642. I desire to ask the gentleman from Bucks whether that bill contains the same provisions as Senate Bill No. 22, now before the Senate for final action.

Mr. JAMES. It does, Mr. President. The two bills contain the same provision. The other bill was passed by the House and contains the same provisions as Senate Bill No. 22.

Mr. REED. Mr. President, in view of the statement made by the gentleman from Bucks to the effect that these two fireworks bills are the same, and that the bill on page eight, known as the Hamilton-Tahl Bill, has already passed the House, while the bill on page three, now under consideration, and known as Senate Bill No. 22, has not yet been in the House, I am willing, in order to save time and be sure that we get a bill passed, to have my bill go over in its order, and pass the Hamilton-Tahl Bill that is also on tonight's calendar.

MOTION THAT SENATE BILL NO. 22 GO OVER IN ITS ORDER

Mr. REED. Now, Mr. President, I move that Senate Bill No. 22 go over in its order and that Senate Bill No. 619, on page eight of the calendar, be called up.

The PRESIDENT. I think we had better dispose of the bill of the Senator from Washington, Mr. Reed and then I think the Senate will agree to consider the other bill.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. OWLETT. Mr. President, I just want to ask the Senator from Washington if he has any objection to passing both of these bills, and I wish to call his attention to the fact that the House Bill has been amended, so that it will require action by the House on the House Bill, and I suggest to him that the House will then have the privilege of accepting either one of these bills.

Mr. REED. Mr. President, I am a little afraid of that procedure. I am afraid there will be a mixup and we will not get either one. In view of the fact that bill, the Hamilton-Tahl bill, has already passed the House, and even though the House will have to pass upon the amendments, it is pretty much a matter of short procedure and I believe the better practice would be—and I hope the Senate takes this view—to put my bill over in its order and take action on the other bill in order that we may be sure that this bill is passed at this Session.

Mr. OWLETT. Mr. President, I desire to further interrogate the Senator from Washington.

The PRESIDENT. Will the Senator from Washington permit himself to be further interrogated?

Mr. REED. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator object to considering this bill, if it does go over in its order, immediately after the passage of the House Bill, so that we act on both of them?

Mr. REED. Mr. President, in answer to the question of the Senator from Tioga, I see no need of passing two bills that are identical.

Mr. OWLETT. Mr. President, I have no objection to the bill going over in its order for the present.

The PRESIDENT: The Senator from Washington, Mr. Reed, moves that Senate Bill No. 22 go over in its order.

Is there objections? The Chair hears none.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. REED. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 619, (House Bill No. 305), on page 8 of the Calendar of third reading bills.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 619, (House Bill No. 305), entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases, authorizing cities, boroughs, towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Heyburn,	McGinnis,	Stevenson,
Deitrick,	Homsher,	Miller,	Stiefel,
Dent,	Jacobs,	Owlett,	Tallman,
DiSilvestro,	James,	Pierson,	Thomas,
Ealy,	Jaspan,	Reed,	Walker,
Edmonds,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,
Farrell,			

NAYS—2

Cavalcante,	Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 50, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I regret having to appear so often on these bills—it is no fault of my own—and I would like to announce to the Senate that this is a Joint Resolution, and the final section provides, "Appointments and promotions in the civil service of the State Government shall be according to merit and fitness, to be ascertained so far as practicable by competitive examination."

Now, anyone that wants to may vote for this. Of course, civil service is on the up-grade and also, it is a very interesting fact, if you look into the Constitution of Pennsylvania, Article 18, you will find a no-man's land, and in that no-man's land there is an amendment to the Constitution, which was adopted twenty-four years ago. Now, the Legislature never took advantage of this amendment which was to enforce the merit system, and for twenty-four years it has been dormant in the Constitution, and if you do not vote for this Senate Bill No. 50—if you do not want civil service, then this amendment can lie dormant twenty-four more years in no-man's land.

Mr. DENT. Mr. President, I would like to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Yes, sir, Mr. President.

Mr. DENT. Mr. President, since I have been here in Harrisburg I have always noticed the sponsor of legislation pertaining to civil service is the Senator from Philadelphia, Dr. Woodward—I take it he believes in it.

Mr. WOODWARD. I do, Mr. President.

Mr. DENT. Mr. President, will the Senator from Philadelphia state whether it makes any difference whether

civil service is sponsored by Democrats or Republicans.

Mr. WOODWARD. No, Mr. President, it does not.

Mr. DENT. Then, Mr. President, I take it the Senator from Philadelphia will vote against the civil service ripper in the Van Allsburg bill.

Mr. WOODWARD. I will, Mr. President.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS MEMBERS OF THE INDUSTRIAL BOARD.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1939

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Industrial Board, until the third Tuesday of January, 1943, and until their successors shall have been appointed and qualified:

Wilbert Weir, Harrisburg, Dauphin County. (Employer of Labor)

Mrs. Margaret Rau, Philadelphia, Philadelphia County

Albert M. Custer, Johnstown, Cambria County.

Frank Burch, Philadelphia, Philadelphia County. (Wage earner)

ARTHUR H. JAMES.

APPOINTMENT AS MAGISTRATE OF COURT No. 27, OF PHILADELPHIA.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Edward Williams, 3351 I Street, Philadelphia, for appointment as Magistrate of Court No. 27 in and for the City of Philadelphia, until the first Monday in January, 1940, vice Atkinson Costello, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF THE STATE BOARD OF CENSORS.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Edna R. Carroll, 4904 Roosevelt Boulevard, Philadelphia, Philadelphia County, as a member of the Pennsylvania State Board of Censors, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF STATE ART COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Paul P. Cret, Philadelphia, Philadelphia County, as a member of the State Art Commission, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Alexander J. Kostellow, whose term expired.

ARTHUR H. JAMES.

Mr. EALY. Mr. President, I am also reporting out all of the County Boards of Public Assistance, with certain exceptions which are indicated. The Governor, in sending over these nominations, sent on one sheet three counties, Erie, McKean and York. I am asking that these be confirmed today, and on the other lists I am going to make a motion that they lay on the table, except as to Chester County, about which there is a special request for confirmation. All the other boards, excepting Erie, McKean, York and Chester will be laid on the table.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations appointment as Notaries Public, sent to the Senate, May 8, 1939 by His Excellency, the Governor of the Commonwealth, also nominations just reported from Committee.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. HOMSHER that Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. HOMSHER that the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. Does the Senator from Somerset de-

sire that the Senate act separately in confirming these nominations.

Mr. EALY. Mr. President, I suggest the first name be read.

The PRESIDENT. The clerk will read the first nomination from the Governor.

APPOINTMENT AS MEMBERS OF STATE ART COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Paul P. Cret, Philadelphia, Philadelphia County, as a member of the State Art Commission, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Alexander J. Kostellow, whose term expired.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nomination just read?

Mr. EALY. Mr. President, I suggest that all these nominations be taken up, except the Boards of Assistance, and that we take them up separately.

The PRESIDENT. Is there any objection?

Mr. SHAPIRO. Mr. President, the nomination of Mr. Cret, as an architect for the Art Commission in Philadelphia, is to fill a vacancy that exists at the present time and I ask my colleagues to support that nomination.

The PRESIDENT. The Chair would like to know what the preference is, whether the Senator from Somerset wants them taken up singly or acted on together.

Mr. SHAPIRO. Mr. President, I think as the gentleman from Somerset calls them up, we should act on them separately.

The PRESIDENT. Will the Senate advise and consent to the nomination of Paul T. Cret, as Member of the State Art Commission?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS— 0

Two-third of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, at this time I call up the nominations for the Industrial Board.

APPOINTMENT AS MEMBERS OF THE INDUSTRIAL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Industrial Board, until the third Tuesday of January, 1943, and until their successors shall have been appointed and qualified:

Wilbert Weir, Harrisburg, Dauphin County. (Employer of Labor)

Mrs. Margaret Rau, Philadelphia, Philadelphia County.

Albert M. Custer, Johnstown, Cambria County.

Frank Burch, Philadelphia, Philadelphia County. (Wage earner)

ARTHUR H. JAMES.

Mr. CAVALCANTE. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so noted.

Mr. REED. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so noted.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kilgallen,	Ruth,
Chapman,	Frey,	Kunkel,	Scarlett,
Coleman,	Gelder,	Lanius,	Shapiro,
Crowe,	Geltz,	Letzler,	Snowden,
Dando,	Gilson,	Mallery,	Stevenson,
Deitrick,	Haluska,	McCreesh,	Stiefel,
Dent,	Heyburn,	McGinnis,	Tallman,
DiSilvestro,	Homsher,	Miller,	Thomas,
Ealy,	Jacobs,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden,
Eroe,	Jaspan,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, at this time I call up the nomination by the Governor of Mrs. Edna R. Carroll, as a member of the Pennsylvania State Board of Censors.

APPOINTMENT AS MEMBER OF THE PENNSYLVANIA STATE BOARD OF CENSORS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Edna R. Carroll, 4904 Roosevelt Boulevard, Philadelphia, Philadelphia County, as a member of the Pennsylvania State Board of Censors, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nomination just read?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS— 0

Two-third of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, at this time I call up the nomination by the Governor, of Edward Williams, for appointment as Magistrate of Court No. 27, in and for the City of Philadelphia.

APPOINTMENT AS MEMBER AS MAGISTRATE OF COURT NO. 27 OF PHILADELPHIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Edward Williams, 3351 I Street, Philadelphia, for appointment as Magistrate of Court No. 27 in and for the City of Philadelphia, until the first Monday in January, 1940, vice Atkinson Costello, deceased.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nomination just read?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS— 0

Two-third of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, unless there is some objection, I will take up at this time the County Boards of Assistance on the separate sheets sent by the Governor. Those counties are Erie, McKean and York. The first, Mr. President, is Erie County.

The PRESIDENT. Is it the desire of the Senate that each county be taken up separately?

Mr. SHAPIRO. Mr. President, those three counties may be considered together.

The PRESIDENT. If there is no objection, those three counties, Erie County, McKean County and York County will be taken up as a unit.

APPOINTMENT AS MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the County Boards of Assistance, for the terms set opposite their names, and until their successors are duly appointed and qualified:

ERIE COUNTY

Dr. Norbert D. Gannon, Erie, until December 31, 1941, vice Mrs. Henrietta Fink Fischer.

Mr. Rachel Spencer, Erie, until December 31, 1940, vice E. C. Dalton.

Homer S. Brown, Erie, until December 31, 1941. (Reappointment)

Olin W. Bracken, Corry, until December 31, 1939. (Reappointment)

A. J. Scolio, Erie, until December 31, 1939, vice Mrs. Anne Celina Haule.

Francis T. Nagorski, Erie, until December 31, 1940, vice Leo J. Omelian.

P. J. Grant, Erie, until December 31, 1940. (Reappointment)

McKEAN COUNTY

John Adrians Skooglund, Kane, until December 31, 1941, vice Robert A. Russell.

Chris H. Messerly, Bradford, until December 31, 1941, vice Mrs. Theresa White.

Edward Eugene Drake, Smethport, until December 31, 1940, vice Miss Bernice Horne.

Dr. Francis DeCaria, Bradford, until December 31, 1940, vice Elisha K. Kane.

W. Fred Grow, Duke Center, until December 31, 1939, vice Mrs. Beulah Lee Finney.

William M. Reese, Port Allegany, until December 31, 1940, vice Edward M. O'Neill.

Mrs. Grace P. Nunemaker, Bradford, until December 31, 1939, vice Martin E. Hanson.

YORK COUNTY

H. C. Ulmer, York, until December 31, 1940. (Reappointment)

Mrs. Nellie P. Neely, High Rock, until December 31, 1940. (Reappointment)

Charles E. Kephart, York Haven, until December 31, 1941, vice Miss Helen J. Appell.

Clyde S. Buckingham, York, until December 31, 1941, to fill a vacancy.

Mrs. Kathryn R. Fix, York, until December 31, 1940, vice Mrs. Lorma Myers.

Mrs. Caroline M. Delle, York New Salem, until December 31, 1939, vice Miss Lois Rinehardt.

Dr. John E. Sheffer, York, until December 31, 1939, vice Bertram R. Moore.

The PRESIDENT. Will the Senate advise and consent to the nominations just read?

Mr. CAVALCANTE. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

Mr. REED. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

Mr. SIPE. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kilgallen,	Ruth,
Chapman,	Frey,	Kunkel,	Scarlett,
Coleman,	Gelder,	Lanius,	Shapiro,
Crowe,	Geltz,	Letzler,	Snowden,
Dando,	Gilson,	Mallery,	Stevenson,
Deitrick,	Haluska,	McCreesh,	Stiefel,
Dent,	Heyburn,	McGinnis,	Tallman,
DiSilvestro,	Homsher,	Miller,	Thomas,
Ealy,	Jacobs,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden,
Eroe,	Jaspan,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I am asked to hold up the

Boards of Assistance of Allegheny, Cumberland, Beaver, Lawrence and Northumberland Counties.

The PRESIDENT. Which are the Boards that the Senator from Somerset desires that we act on?

Mr. EALY. Mr. President, I ask that the following Boards be not confirmed—not for the present: Allegheny, Beaver, Lawrence, Cumberland, Northumberland and Fayette.

Also there are two members—one member of the Board of Butler County and one member of the Board of Mercer County to which there is objection.

The PRESIDENT. The vote on confirmation will be on the following counties which the Clerk will read.

Mr. KILGALLEN. Mr. President, may I inquire why the confirmation of the Allegheny County Boards are being held up?

Mr. EALY. Mr. President, I have an objection from one or two Senators from Allegheny County, and I wish to say that if there is any Senator here who objects to any of these Boards, all he needs do is make his objection known and it will not be confirmed.

As the Clerk reads the lists, I hope any Senator who has any objection will voice it.

Mr. KILGALLEN. Mr. President, I personally have no objection to the confirmation of the Allegheny County Board and that was the reason for my inquiry.

The PRESIDENT. The Clerk will read the roll of the counties to be acted upon so that the Senate may understand.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the County Boards of Assistance, for the terms set opposite their names, and until their successors are duly appointed and qualified:

ADAMS COUNTY

C. A. Wills, Greenstone, until December 31, 1939. (Reappointment)

D. C. Jacobs, Arendtsville, until December 31, 1941. (Reappointment)

Mrs. Maude S. Saby, Gettysburg, until December 31, 1941, vice Mrs. Bess Bixler.

J. H. Weaver, Littlestown, until December 31, 1939, vice Miss Evelyn C. Altoff.

Robert P. Smith, McSherrystown, until December 31, 1940, vice Charles B. Dougherty.

James A. Aumen, Gettysburg, until December 31, 1940, vice F. V. Topper.

Mrs. Mary K. McClean, Gettysburg, until December 31, 1940. (Reappointment)

ARMSTRONG COUNTY

Meyer Greenbaum, Ford City, until December 31, 1941, vice J. P. Turping.

Francis T. Benson, Kittanning, until December 31, 1941, vice Mrs. Mary McLaughlin.

Mrs. Elizabeth D. Stanier, Leechburg, until December 31, 1940, vice Samuel Hockenberry.

Harvey H. Hanna, South Bend, until December 31, 1939, vice Earl Artman.

Mrs. Alice Marshall, Dayton, until December 31, 1940, vice Mrs. Mary M. Geary.

P. Thompson MacDonald, Kittanning, until December 31, 1940, vice Tony G. Badiali.

Andrew R. Ellenberger, Cowansville, until December 31, 1939, vice Mrs. Edith Dunn.

BEDFORD COUNTY

G. A. Troutman, Saxton, until December 31, 1941, vice John C. Dibert.

Mrs. Eva Miller, Mann's Choice, until December 31, 1941, vice Mrs. Annie Ross.

Walter Clark, Breezewood, until December 31, 1940, vice Herman Barkman.

Robert Henry, Loysburg, until December 31, 1940, vice Mrs. Mary Smith.

Albert Hoover, New Paris, until December 31, 1940, vice D. R. Sipes.

Ranson Beegle, Bedford, until December 31, 1939, vice Herman Fetter.

A. B. Egolf, Bedford, until December 31, 1939, vice John A. Topper.

BERKS COUNTY

Rev. Clement A. Sienkiewicz, Reading, until December 31, 1941, vice Francis L. Klemmer.

Charles R. McCann, Reading, until December 31, 1941, vice Mrs. Alice I. Focht.

Mrs. Nellie S. Shook, Mt. Penn, Reading, until December 31, 1939, vice Charles William Hollenbacher.

Mrs. Bessie B. Worrall, Reading, until December 31, 1940, vice Mrs. Emma H. Dry.

Andrew P. Bower, Reading, until December 31, 1939, vice Joseph A. Martin.

Rev. J. D. Edwards, Boyertown, until December 31, 1940, vice Mrs. Florence G. Luft.

Edwin L. Hettinger, Reading, until December 31, 1940, vice Mrs. Minnie M. Mays.

BLAIR COUNTY

Dr. Roy W. Goshorn, Hollidaysburg, until December 31, 1941, vice Lawrence Schrenk.

Mrs. Eva M. Montgomery, Altoona, until December 31, 1941, vice Claude E. Snyder.

Mrs. Eliza Emily Garber, Roaring Spring, until December 31, 1940, vice Mrs. Helen Clark.

Orris G. Christ, Altoona, until December 31, 1939, vice Mrs. Beatrice Moffitt.

Mrs. Jennie D. Walter, Claysburg, until December 31, 1939. (Reappointment)

N. A. Stevens, Altoona, until December 31, 1940, vice John Edward Ardell.

James C. Davis, Tyrone, until December 31, 1940, vice Mrs. Nellie Hogue.

BRADFORD COUNTY

Captain John F. Beirne, Towanda, until December 31, 1941. (Reappointment)

Mrs. Charlotte L. Davidson, Towanda, until December 31, 1939. (Reappointment)

Martin R. Stalford, Wyalusing, until December 31, 1939.

Clayton H. Maryott, Monroeton, until December 31, 1941, vice Alan J. Donlon.

Mrs. May Newman, Canton, until December 31, 1940, vice Mrs. Catherine H. Laux.

Mrs. Florence S. Schrier, Athens, until December 31, 1940, vice Mrs. Frances K. Murray.

Eugene W. Osmun, Sayre, until December 31, 1940, vice John Snedeker.

BUCKS COUNTY

Mrs. Lillian Williams, Langhorne, until December 31, 1941, vice Mrs. Grethchen M. Hibbs.

Mrs. N. Pamelia Clymer, Chalfont, until December 31, 1940, vice Mrs. Rose C. Flood.

Mrs. Elizabeth Mercur Roberts, Southampton, until December 31, 1940, vice Mrs. Mary Elizabeth McKinstry.

J. Latta Jones, Doylestown, until December 31, 1941. (Reappointment)

Mrs. Leanore Leattor, Riegelsville, until December 31, 1939, vice Mrs. Della Garver.

Mrs. Edith Weamer, Quakertown, until December 31, 1940, vice Mrs. Frances A. Rufe.

Dr. John T. Shaffer, Sellersville, until December 31, 1939, to fill a vacancy.

CAMBRIA COUNTY

Dr. Charles E. Overberger, Barnesboro, until December 31, 1939. (Reappointment)

Mrs. Mary M. Hays, Johnstown, until December 31, 1941, vice Elvin Overdorff.

Dr. David S. Bantley, Johnstown, until December 31, 1941, vice Mrs. Catherine Q. McGuire.
Evan B. Lloyd, Johnstown, until December 31, 1940, vice Mrs. Naomi Van H. Shettig.
A. L. Hunt, Cresson, until December 31, 1940, vice Frank J. Pentrack.
Dr. John Allan Murray, Patton, until December 31, 1940, vice George C. Hoppel.
A. A. Dietrich, Nanty Glo, until December 31, 1939, vice Blair Pawlowski.

CAMERON COUNTY

Mrs. Perna Gaskill Klees, Emporium, until December 31, 1941. (Reappointment)
Mrs. Edna Schwab, Emporium, until December 31, 1940. (Reappointment)
Mrs. Marian Murray, Emporium, until December 31, 19[illegible] vice Charles T. Crone.
E. P. Larson, Emporium, until December 31, 1941. (Reappointment)
L. N. Coppersmith, Emporium, until December 31, 1940, vice James Moran.
Mrs. Maude Muttersbaugh, Driftwood, until December 31, 1939, vice Mrs. Ella Bailey.
Mrs. Nellie Whiting, Sterling Run, until December 31, 1939. (Reappointment)

CARBON COUNTY

Emerson C. West, Weatherly, until December 31, 1941, vice John Garrett.
Charles Neast, Mauch Chunk, until December 31, 1941, vice James Kelly.
George Mitten, Lansford, until December 31, 1940, vice Mrs. Bertha M. Binder.
Mrs. Marie C. Christman, Lehighton, until December 31, 1940, vice Leon A. Stemler.
Mrs. Tillie Heiss, Palmerton, until December 31, 1940, to fill a vacancy.
Roy Remaley, Summithill, until December 31, 1939, vice David S. Kistler.
John Marzen, East Mauch Chunk, until December 31, 1939, vice Mrs. Josephine Quinn.

ARTHUR H. JAMES.

Mr. EALY. Mr. President, I have an objection to the Board of Cambria County. I did not understand it was so. I therefore ask that the Cambria County Board be held over.

It was agreed to.

The Clerk proceeded reading the nominations:

CENTRE COUNTY

Newton Hartswick, State College, until December 31, 1941, vice Lloyd Boob.
James H. Holmes, State College, until December 31, 1941, vice Mrs. Henrietta N. Willard.
George Gilbert Kneff, Millheim, until December 31, 1940, vice Mrs. Lona Johnson.
Horatio S. Moore, Bellefonte, until December 31, 1940, vice Mrs. Catherine Kilpatrick.
Mrs. Helen Oursler Beatty, Bellefonte, until December 31, 1940, vice John Spearly.
Lewis Honka, Philipsburg, until December 31, 1939, vice Swengle Smith.
H. T. Struble, Bellefonte, until December 31, 1939, vice Russell Spangler.

CHESTER COUNTY

Mrs. Virginia Thomas Galt, Glenmore, until December 31, 1941, vice Mrs. Emma R. Garrett.
Mrs. Bertha M. Whitaker, Coatesville, until December 31, 1941, vice Ray Waldron.
Mrs. Julia Alice Brewer, Kennett Square, until December 31, 1940, vice James C. Coborne.
Mrs. Laura E. Knauer, West Chester, until December 31, 1940, vice Samuel Dickey.
Mrs. Edith H. Owens, Parkesburg, until December 31, 1940. (Reappointment)
Harvey Thomas, Edgemont, until December 31, 1939, vice Mrs. Mabel Baer.
Dr. Charles Evan Heald, West Grove, until December 31, 1939, vice Mrs. Mary E. O'Donnell.

CLARION COUNTY

Mrs. Sarah C. Rankin, Clarion, until December 31, 1941. (Reappointment)
Miss Jane H. Orr, Clarion, until December 31, 1941, vice Miss Anna B. Graham.
Mrs. Elizabeth Cribbs, New Bethlehem, until December 31, 1940, vice Mrs. Minnie Wilson Collner.
Mrs. Stella Shotts, Leeper, until December 31, 1940, vice A. M. Hepler.
H. C. Faller, Fryburg, until December 31, 1939, vice Dale Krieble.
Eugene Woods, Sligo, until December 31, 1939, vice Mrs. Leda R. Elder.
Rev. R. K. Atchison, Rimersburg, until December 31, 1940, vice Fred V. Brown.

CLEARFIELD COUNTY

Dr. A. Park Boag, Clearfield, until December 31, 1941, vice Roll B. Thompson.
Geo. Ohs, Houtzdale, until December 31, 1941, vice Harry S. Taatlinger.
Dr. J. L. Cornnelly, Morrisdale, until December 31, 1940, vice Miss Mary White.
John Y. Rafferty, Grampian, until December 31, 1939, vice Joseph Shankle.
Mrs. Della Neff Patchin, Burnside, until December 31, 1940, vice Mrs. Mary Webb.
John Helman, Coalport, until December 31, 1940, vice Charles Voinchet.
Glenn W Benson, DuBois, until December 31, 1939, vice George B. Kirk.

CLINTON COUNTY

Edward M. Eberhart, Lock Haven, until December 31, 1939, vice Mr. Edith Bossart.
E. J. Culmann, Lock Haven, until December 31, 1941, vice George Botts.
Mrs. Marilla Stouck Gummo, Lock Haven, until December 31, 1941, vice Edw. P. Jones.
Mrs. Cora Woilder, Renovo, until December 31, 1940, vice Mrs. Mary I. Betts.
Samuel Williams, Renovo, until December 31, 1940, vice W. A. Morris.
Mrs. Lulu Schroeder, Avis, until December 31, 1940, vice Mrs. Gertrude Wheeler.
Ralph Welshans, Booneville, until December 31, 1939, vice J. L. Lubrecht.

COLUMBIA COUNTY

Mrs. Elsie York Jones, Bloomsburg, until December 31, 1941, vice K. L. Pollock.
Mrs. Jessie F. Herring, Orangeville, until December 31, 1939, vice Mrs. Helen Bernhard.
Mrs. Marguerite Fortner, Centralia, until December 31, 1941, vice L. G. Weller.
J. O. Gordner, Millville, until December 31, 1939, vice Mrs. Inez Brewington.
S. B. Seely, Berwick, until December 31, 1940, vice Ellis Artley.
Frank A. Creasy, Berwick, until December 31, 1940, vice A. G. Everett.
Rev. Samuel A. Harker, Bloomsburg, until December 31, 1940, vice Merrill C. Fisher.

CRAWFORD COUNTY

Mrs. Ella H. Bayliss, Titusville, until December 31, 1940. (Reappointment)
Rev. Wm. A. Cobb, Cambridge Springs, until December 31, 1941. (Reappointment)
Mrs. Jeannette W. Hood Beatty, Meadville, until December 31, 1939. (Reappointment)
Rev. John A. McAndrews, Conneautville, until December 31, 1940. (Reappointment)

Howard L. Moore, Cochranton, until December 31, 1941. (Reappointment)

Emmett Allen, Townville, until December 31, 1939. (Reappointment)

Edward I. Bates, Meadville, until December 31, 1940, vice W. C. Arthur.

DAUPHIN COUNTY

Ezra Hershey, Hershey, until December 31, 1941, vice H. M. Kirkpatrick.

Dr. David I. Miller, Harrisburg, until December 31, 1941, vice Frank A. Robbins.

Mrs. Anne Rupp, Steelton, until December 31, 1940, vice Charles S. Davis.

Mrs. Belle K. Kunkel, Harrisburg, until December 31, 1939. (Reappointment)

E. R. Eckenrode, Harrisburg, until December 31, 1940. (Reappointment)

Mrs. Gabriella C. Gilbert, Harrisburg, until December 31, 1940. (Reappointment)

Charles C. Baker, Halifax, until December 31, 1939, vice Elwood Moffett.

DELAWARE COUNTY

Mrs. Eleanor B. Lloyd, Haverford, until December 31, 1941, vice George W. Wilkins.

E. Wallace Chadwick, Esq., Chester, until December 31, 1941, vice Leslie P. Hill.

Rev. M. W. Cohen, Brandywine Summit, Glen Mills, until December 31, 1940, vice Mrs. Winifred Bonner.

Mrs. Mary Louise Woodruff, Glenolden, until December 31, 1940, vice Mrs. Henrietta G. S. Jaquette.

Mrs. Ann T. Monihan, Ridley Park, until December 31, 1940. (Reappointment)

Clarence L. Conner, Chester, until December 31, 1939, vice Raymond Loughead.

Raymond Rooke Start, Esq., Upper Darby, until December 31, 1939, vice D. Montford Melchier.

Mr. SHAPIRO. Mr. President, in connection with Delaware County, I personally am making an investigation of two of the appointees, and I have asked the Senator from Somerset to leave them out, but I suppose he has overlooked them.

The PRESIDENT. It was agreed to.

The Clerk proceeded with the reading of the nominations:

ELK COUNTY

Carl W. Asplund, St. Marys, until December 31, 1941, vice John F. O'Leary.

Leo Mayer, St. Marys, until December 31, 1940, vice Edward G. Smith.

Mrs. Kathryn Gardner, Ridgway, until December 31, 1941. (Reappointment)

Dr. F. S. Klawuhn, Ridgway, until December 31, 1940, vice John H. Cartwright.

Mrs. Doris Thurston Engstrom, Johnsonburg, until December 31, 1939, vice Mrs. Susan Geary.

Harrison Beardsley, Johnsonburg, until December 31, 1940, vice Mrs. Anna M. Kaul.

Mrs. Frances Whamond, Brockport, until December 31, 1939, vice W. Scott Williams.

FOREST COUNTY

J. Orr Carson, West Hickory, until December 31, 1941, vice Mrs. Cecile Elizabeth Baughman.

Robert Pickens, Marienville, until December 31, 1941, vice George H. Reed.

L. E. Moore, East Hickory, until December 31, 1940, vice Myron Fielman.

Mrs. Clara Russell, Marienville, until December 31, 1939, vice Mrs. Anna Belle Schall.

C. A. Weaver, Tionesta, until December 31, 1939, vice Forest Huff.

Miss Ida S. Paup, Tionesta, until December 31, 1940, vice James C. Bowman.

Rev. Carroll Smith, Tionesta, until December 31, 1940, vice Miss Helen Landers.

FRANKLIN COUNTY

Lee L. Steiger, Mercersburg, until December 31, 1941, vice W. B. O'Rear.

Robert C. Gordon, Chambersburg, until December 31, 1941, vice S. G. Coons.

Mrs. Rose G. Holler, Chambersburg, until December 31, 1940, vice Eckert Miller.

Howard E. Craig, Waynesboro, until December 31, 1939, vice Mrs. Elizabeth S. Sellers.

Mrs. E. Viola Hockman, Waynesboro, until December 31, 1940, vice Mrs. Emma Elizabeth W. Hutton.

Mrs. Anna A. McGee, Spring Run, until December 31, 1940, vice John Holden.

Mrs. Ruth E. Humbert, Greencastle, until December 31, 1939, vice John W. Wareheim.

FULTON COUNTY

Wilson L. Nace, McConnellsburg, until December 31, 1941, vice William J. Lowe.

Hon. H. P. Barton, Houstontown, until December 31, 1939, vice Mrs. Rebecca Stevens.

Edward Palmer, Warfordsburg, until December 31, 1941, vice Frank Stinson.

David A. Washabaugh, McConnellsburg, until December 31, 1940, vice Mrs. Lena McClain.

George S. Grissinger, McConnellsburg, until December 31, 1940, vice Mrs. Grace Sheets.

Edgar Hann, Harrisonville, unil December 31, 1940, vice Mrs. Ethel Duffy.

Mrs. Kathryn E. Shimer, McConnellsburg, until December 31, 1939, vice Mrs. Bertha Kirk.

GREENE COUNTY

Miss Jane Sayers, Waynesburg, until December 31, 1941, vice W. Robert Thompson.

William T. Moore, Waynesburg, until December 31, 1939, vice John Rapchak.

E. C. Cowell, Waynesburg, until December 31, 1939, vice James Null.

L. J. Billingsley, Waynesburg, until December 31, 1941, vice Mrs. Ocie H. Clarke.

A. G. Wiley, Wind Ridge, until December 31, 1940, vice Mrs. Esther Parker Wood.

Henry W. Hoffman Brave, until December 31, 1940, vice Mrs. Edith Bailey Purman.

Mrs. Zilpha Medley, Nemacolin, until December 31, 1940, vice Mrs. Brenda McClure Donley.

HUNTINGDON COUNTY

James Skinner, Huntingdon, until December 31, 1941, vice Mrs. Elizabeth Adams.

Mrs. May Bergantz, Huntingdon, until December 31, 1939, vice Boyd Ewing.

R. E. Long, Mount Union, until December 31, 1941, vice Henry Stafford.

Dr. J. A. Puckey, Orbisonia, until December 31, 1940, vice G. A. Parker.

Mrs. Keturah Ketterman, Entriken, until December 31, 1940, vice Mrs. Fern Neff.

Rev. Charles H. Stong, Petersburg, until December 31, 1940, vice Mrs. Lillian McGarvey.

Bruce Abbott, Dudley, until December 31, 1939, vice Doy 1. Grove.

INDIANA COUNTY

Dr. W. L. Benz, Blairsville, until December 31, 1941, vice Mrs. Frances Woodburn.

Paul B. Hasinger, Indiana, until December 31, 1941, to fill a vacancy.

Mrs. Mary B. Rhodes, Indiana, until December 31, 1940, vice Dr. George C. Martin.

Ernest C. Fletcher, Saltsburg, until December 31, 1940, vice John Ghizzoni.

Dr. Wilbur J. Black, Indiana, until December 31, 1940, vice Charles G. Prothero.

Edward M. Thompson, Home, until December 31, 1939, vice Miss Elizabeth Stoneback.
W. A. Dorn, Marchand, until December 31, 1939, vice Mrs. Bessie P. Kunkle.

JEFFERSON COUNTY

John McClure, Big Run, until December 31, 1941, vice Mrs. Adeline S. Corbett.
Mrs. Minnie Thompson, Falls Creek, until December 31, 1940, vice Miss Cynthia Wehrle.
Rev. Daniel Fitzpatrick, Reynoldsville, until December 31, 1939, vice Thomas C. McQuown.
Frank Stockdale, Frostburg, until December 31, 1940, vice Mrs. Hazel Edelblute.
Ward Dock, Punxsutawney, until December 31, 1939, vice Leo D. Sullivan.
Mrs. Charlotte Britton, Brockway, until December 31, 1941. (Reappointment)
Harry G. Smail, Brookville, until December 31, 1940, vice Mrs. Minnie Dillman.

JUNIATA COUNTY

Mrs. Alida Johnson, Mifflin, until December 31, 1941, vice Jacob L. Groninger.
Ezra C. Doty, Mifflintown, until December 31, 1939, vice Banks I. Swartz.
Francis L. Cooper, Spruce Hill, until December 31, 1941, vice Mrs. Mary Headings.
Joseph Seiber, McAlisterville, until December 31, 1940, vice Allen I. Klinger.
Dr. Geo. G. Dawo, Mifflintown, until December 31, 1940, vice Bryan Crawford.
Mrs. Isabel A. Howell, Academia, until December 31, 1940, vice Harvey C. Haas.
Miss Henrietta Baldwin, Mifflintown, until December 31, 1940, vice Harvey C. Haas.
Miss Henrietta Baldwin, Mifflintown, until December 31, 1939, vice Mrs. Pearl Basom.

LACKAWANNA COUNTYY

James Tedesco, Old Forge, until December 31, 1941, vice S. U. Colbassani.
George Morgan, Scranton, until December 31, 1941, vice John Hart.
Michael Holod, Dickson City, Scranton, until December 31, 1939. (Reappointment)
Mrs. Florence Davies, Scranton, until December 31, 1940, vice Mrs. Catherine M. Butler.
Barry Searle, Jr., Carbondale, until December 31, 1940, vice Mrs. Elizabeth Kraemer.
Edgar Oliver, Scranton, until December 31, 1940, vice James B. Rosenfeld.
Thomas Quinn, Scranton, until December 31, 1939, vice Thomas A. Dempsey.

LANCASTER COUNTY

Capt. John M. Groff, Lancaster, until December 31, 1941, vice P. Harry Wohlsen.
Wm. E. Alexander, Lancaster, until December 31, 1941. (Reappointment)
George W. Hensel, Jr., Quarryville, until December 31, 1940. (Reappointment)
Dr. V. W. Dippell, Lancaster, until December 31, 1940, vice Mrs. Eleanor Swift Howell.
Mrs. Laura Burtz Roye, Columbia, until December 31, 1939. (Reappointment)
Miss Bess McGowan, Christiana, until December 31, 1940, vice Wallace R. Knerr.
George L. Heiges, Manheim, until December 31, 1939, vice Mrs. Katherine Flinn Foltz.

LEBANON COUNTY

Harry C. Moyer, Schaefferstown, until December 31, 1941, vice Elwood Schwenk.
Ray G. Light, Esq., Lebanon, until December 31, 1941, vice John J. Lawley.
Edwin P Rank, Lebanon, until December 31, 1939, vice I. Calvin Fisher.
George S. Bleistein, Sr., Myerstown, until December 31, 1940, vice Mrs. Helen Krause.
Mrs. Louise Strickler, Lebanon, until December 31, 1940, vice Mrs. Addie Dinah Brenner.
Mrs. Anna Blanche Groh, Lebanon, until December 31, 1940, vice Mrs. Ernestine Turner Weber.
Mrs. Sue E. Marquart, Lebanon, until December 31, 1939, vice Mrs. Clara Johnston.

LEHIGH COUNTY

William A. Gibson, Allentown, until December 31, 1941. (Reappointment)
Thomas L. Smyth, Allentown, until December 31, 1939. (Reappointment)
Rev. Henry I. Aulenbach, Allentown, until December 31, 1941, vice Albert D. Gomery.
Mrs. Eva Krum, Slatington, until December 31, 1940, vice Mrs. Edna Zweifel.
Mrs. Ruth Siegfried, Allentown, until December 31, 1940, vice Mrs. Cora Gangewere.
Mrs. Ruth H. Thornburg, Fountain Hill, Bethlehem, until December 31, 1940, vice Mrs. Anna O'Brien.
Gurney F. Afflerbach, Allentown, until December 31, 1939, vice Mrs. Melba Hennemuth.

LUZERNE COUNTY

Mrs. Sarah Evans Kent, Huntsville, Dallas, until December 31, 1941, vice Frank Correale.
Mrs. Martha Freeman Culland, Wilkes-Barre, until December 31, 1939, vice John B. Gallagher.
Frank Cardoni, Plains, Wilkes-Barre, until December 31, 1941, vice Abram Salsburg.
John Dougherty, Plymouth, until December 31, 1940, vice Franklin Hill.
Dr. G. J. Bednarik, Wilkes-Barre, until December 31, 1940, vice Mrs. Mary Agnes Gillis.
Frank Prosser, Hazleton, until December 31, 1940, vice Mrs. May Conlon Mundy.
Fred Bittenbender, Huntingdon Mills, until December 31, 1939, vice Charles K. Dewees.

LYCOMING COUNTY

Dr. Stuart B. Gibson, Williamsport, until December 31, 1941, vice Mrs. Isabella Fairfax.
Clair W. Bishop, Williamsport, until December 31, 1941, vice Howard L. Ulman.
William H. Hough, Williamsport, until December 31, 1940, vice Kenneth D. Poust.
Rev. Ganse Little, Williamsport, until December 31, 1940, vice Joseph A. London.
Mrs. Grace Nicholson, Muncy until December 31, 1940, vice James W. Foresman.
Mrs. Edna Laurea Younkin, Williamsport, until December 31, 1939, vice Mrs. Sylvia B. Hays.
Paul J. Egan, Jersey Shore, until December 31, 1939, vice Mrs. Alice Delaney.

MIFFLIN COUNTY

Mrs. Edith M. Jones, Burnham, until December 31, 1941. (Reappointment)
W. H. Allison, Lewistown, until December 31, 1939. (Reappointment)
T. C. Matthews, Lewistown, until December 31, 1940. (Reappointment)
Rev. James H. Goss, Lewistown, until December 31, 1941. (Reappointment)
Mrs. Beulah Gill, Burnham, until December 31, 1940, vice P. M. Headings.
Harold P. Hanna, Lewistown, until December 31, 1940, vice Charles C. Duck.
E. W. Thomas, Burnham, until December 31, 1939, vice Mrs. Marian U. Hoffman.

MONROE COUNTY

Mrs. Elmira Shafer, Gilbert, until December 31, 1940. (Reappointment)
Mrs. Hazel S. Achterman, Stroudsburg, until December 31, 1940. (Reappointment)

Mrs. Leila M. Beers, Stroudsburg, until December 31, 1939. (Reappointment)
Mrs. Helen W. Hoffman, East Stroudsburg, until December 31, 1940. (Reappointment)
Harry L. Sutton, East Stroudsburg, until December 31, 1941, vice Montgomery F. Crowe.
Mrs. Johanna N. Keiper, Stroudsburg, until December 31, 1941, vice Ernest H. Wycoff.
Mrs. Cornelia Rhodes, Tobyhanna, until December 31, 1939, vice Mrs. Julia C. Henry.

MONTGOMERY COUNTY

Mrs. Lillian L. Strauss, Ashbourne, Philadelphia, until, December 31, 1940. (Reappointment)
Miss Marjorie N. MacCoy, Haverford, until December 31, 1941. (Reappointment)
William E. Wills, Bridgeport, until December 31, 1941, vice Mrs. Agnes O'Neil.
Dr. Paul T. Moyer, Lansdale, until December 31, 1940, vice Willis B. Bergey.
Mrs. Ellen Newbold Jacobs, Norristown, until December 31, 1940, vice Harry K. Bush.
Lawrence E. Orgill, Pottstown, until December 31, 1939, vice James J. Kane.
Rev. Nathaniel B. Groton, Whitemarsh, until December 31, 1939, vice Mrs. Jeanne R. French.

MONTOUR COUNTY

Mrs. Erma T. Deily, Danville, until December 31, 1941. (Reappointment)
Mrs. Mary Perry, Danville, until December 31, 1940. (Reappointment)
Mrs. Mary Peifer, Danville, until December 31, 1941, vice Dr. Harry Hinshillwood.
Miss Anna Pritchard, Danville, until December 31, 1940, vice Mrs. Mary F. Wagner.
Mrs. Martha Critchfield Stitler, Danville, until December 31, 1940, vice Mrs. Blanche Baynhan.
Rev. Walter Brown, Danville, until December 31, 1939, vice Chas. Peifer.
John F. Tooley, Danville, until December 31, 1939, vice Mrs. Eloise Shultz.

NORTHAMPTON COUNTY

Hon. Henry A. Miller, Northampton, until December 31, 1941, vice Mrs. Jennie Kubilus.
Arthur Stoddard, Bangor, until December 31, 1941, vice Mrs. Maitland Raines.
Wm. P. Gano, Nazareth, until December 31, 1940, vice Mrs. Dora Levin.
Orion H. Reeves, Easton, until December 31, 1940, vice Charles P. Warner.
John F. Oldt, Easton, until December 31, 1939, vice David Brillhardt.
Merrill Miles Moore, Bethlehem, until December 31, 1940, vice Miss Fannie Henry.
Miss Catherine McGrath, Easton, until December 31, 1939, vice William H. Price.

PERRY COUNTY

Edward S. Glass, Duncannon, until December 31, 1941, vice G. Thomas Adams.
A. E. Deckard, New Bloomfield, until December 31, 1939, vice Miss Fabel O. Ellenberger.
Herman Shoemaker, Liverpool, until December 31, 1941, to fill a vacancy.
Lynn McMillen, Loysville, until December 31, 1940, to fill a vacancy.
Miss Eleanor Shutter, Newport, until December 31, 1940, vice B. Stiles Duncan.
Paul Ellenberger, Marysville, until December 31, 1939, vice Mrs. May S. Sharp.
Mrs. Zora Martin, Blain, until December 31, 1940, vice Edward L. Holman.

PHILADELPHIA COUNTY

Dr. Wm. H. Fineshriber, Philadelphia, until December 31, 1941, vice Vincent De Vergiliis.
Rev. W. B. Forney, Philadelphia, until December 31, 1940, vice Louis Heiland.
Harry V. Daugherty, Philadelphia, until December 31, 1940, vice Mrs. Rose Anna Piekarski.
Thomas L. Evans, Wynnewood, until December 31, 1940, vice Joseph D. Burke.
Rgt. Rev. Monsignor Cornelius P. Brennan, Philadelphia, until December 31, 1941, vice Louis Schmidt.
Cadmus Z. Gordon, Jr., Philadelphia, until December 31, 1939, vice Robert Weinstein.
Philip Sterling, Esq., Philadelphia, until December 31, 1941, vice Mrs. Elsie Pfaelzer.
Miss Mary Dercum, Philadelphia, until December 31, 1939, vice Henry P. Cheatham.
Herbert E. Millen, Philadelphia, until December 31, 1939, vice Philip C. Staples.
Mrs. Marianna G. Coleman, Bryn Mawr, until December 31, 1939, to fill a vacancy.
John J. Cregan, Philadelphia, until December 31, 1940. (Reappointment)

PIKE COUNTY

Frank O. LeCompt, Milford, until December 31, 1941, vice Mrs. Virginia S. Black.
Mrs. Carolyn S. Ludwig, Milford, until December 31, 1941 vice Frank B. Stutsman.
Norman Guillot, Bushkill, until December 31, 1939, vice Joseph Mager.
Mrs. Nina Hopps, Greentown, until December 31, 1940, vice Raymond Hessberger.
Mrs. Gertrude A. Bihl, Lackawaxen, until December 31, 1940, vice Mrs. Katherine Grimm.
Leland Ryder, Matamoras, until December 31, 1940, vice George Darragh.
William Soller, Matamoras, until December 31, 1939, vice Mrs. Ethel Schumacher.

POTTER COUNTY

Mrs. Lilah Curry Wandall, Coudersport, until December 31, 1941, vice Mrs. Emma K. Grover.
Garrie W. Benson, Carter Camp, until December 31, 1940, vice E. M. Fischler.
W. Arthur Ham, Galeton, until December 31, 1940, vice Mrs. Mary Burt.
Claude Valentine, Roulette, until December 31, 1939. (Reappointment)
Walter T. Palmer, Shinglehouse, until December 31, 1941. (Reappointment)
Carlton C. Grover, Ulysses, until December 31, 1939, vice Mrs. Lenore Marie Carroll.
Hon. Robert R. Lewis, Coudersport, until December 31, 1940, vice Miss Marian Stone.

SCHUYLKILL COUNTY

Mrs. Bessie Seidell Bechtel, Pottsville, until December 31, 1939, vice Charles B. Williams.
John E. Schlottman, Pottsville, until December 31, 1941, vice I. A. Seltzer.
Bernard McGinley, Middleport, until December 31, 1941, vice Mrs. Ann Pepper.
Dr. A. T. Liachowitz, Mahanoy City, until December 31, 1940, vice Martin Brennan.
Mrs. Mary Cecelia Hagen, St. Clair, until December 31, 1939, vice Mrs Nan Kenney.
Harvey Luckenbill, Orwigsburg, until December 31, 1940, vice Mrs. Helen Chaikowski.
C. T. Straughn, Shenandoah, until December 31, 1940, vice Ed Marazas.

SNYDER COUNTY

Charles F. Wagner, McClure, until December 31, 1941, vice John O. Parry.
George Rhoads, Shamokin Dam, until December 31, 1941. (Reappointment)
Oscar E. Letteer, Middleburg, until December 31, 1939, vice Mrs. Phoebe Wetzel.
Lee Fisher, Selinsgrove, until December 31, 1940, vice David Owens.
Mrs. Clara Reigle, Paxtonville, until December 31, 1940, vice Cloyd Zeiders.
Mrs. Irene B. Erdley, Middleburg, until December 31, 1940, vice Mrs. Wilhemina Stetler.
Homer VanDevender, Selinsgrove, until December 31, 1939. vice Mrs. Victoria Harrison.

SOMERSET COUNTY

Rev. Charles Blough, Davidsville, until December 31, 1941, vice Mrs. Teresa Baughman.

Miss Olivia Dia, Meyersdale, until December 31, 1941, vice Mrs. Jane G. Brown.

Mrs. Elsie Shaulis, Somerset, until December 31, 1940, vice Mrs. Margaret Gilbert.

Charles Blatt, Somerset, until December 31, 1939, vice John P. Manning.

Harry Rishabarger, Addison, until December 31, 1940, vice Mrs. Louise Miller.

Mrs. Sada Snyder, Stoystown, until December 31, 1940, vice Mrs. Ruey F. Picking.

Mrs. Daryle Heckman, Somerset, until December 31, 1939, vice Frank R. Coder, Sr.

SULLIVAN COUNTY

B. T. Martin, Dushore, until December 31, 1941, vice Mrs. Floye Davis Henning.

C. A. Bahr, Dushore, until December 31, 1941, vice Mrs. Nellie Marie Kanally.

J. H. Dieffenbach, Colley, until December 31, 1940, vice Miss Anna M. Finan.

Edward M. Williams, Wheelerville, until December 31, 1940, vice Ralph Hugo.

Edward B. Wright, Forksville, until December 31, 1940, vice James P. McGee.

Mrs. Marie Hydock, Sonestown, until December 31, 1939, vice Frank V. Rohe.

Miss Anna Speary, Sonestown, until December 31, 1939, vice George Dietrick.

SUSQUEHANNA COUNTY

Mark B. Lake, South Montrose, until December 31, 1941. (Reappointment)

A. D. Kehren, Forest City, until December 31, 1941, vice Miss Laura B. Riley.

E. E. Corey, Meshoppen, until December 31, 1940, vice Michael Skubic.

Mrs. Winifred Meehan, Montrose, until December 31, 1939. (Reappointment)

Frank J. Chapman, Susquehanna, until December 31, 1939, vice John W. Murphy.

Mrs. Nellie Ness, Susquehanna, until December 31, 1940, vice Michael J. O'Reilly.

Miss Mercedes O. Cubria, Montrose, until December 31, 1940. vice Mrs. Mary B. Donnelly.

TIOGA COUNTY

W. N. Smith, Millerton, until December 31, 1941, vice William Trowbridge.

J. D. Seagers, Westfield, until December 31, 1940, vice John J. Preston.

William J. Ordway, Elkland, until December 31, 1940, vice Miss Martha McInroy.

Arthur H. Dratt, Wellsboro, until December 31, 1941. (Reappointment)

Miss Helen A. Blair, Wellsboro, until December 31, 1939, vice Thomas J. Birmingham.

George O'Donnell, Blossburg, until December 31, 1939, vice Stanley J. Hudzinski.

Mrs. Edna Mae Fleitz, Mansfield, until December 31, 1940.

UNION COUNTY

Prof. Chas. F. DeWire, Lewisburg, until December 31, 1941. (Reappointment)

Mrs. Laura VonNeida, Hartley, Laurelton, until December 31, 1941. (Reappointment

Arthur A. Eisenhauer, Kelly, Lewisburg, until December 31, 1940, vice Harry Barber.

Hiram Walker, East Buffalo, Lewisburg, until December 31, 1940, vice Philip K. Frederick.

Prof. Arthur E. Minnier, Lewisburg, until December 31, 1939, vice Charles Zeller.

Mrs. Blanche A. Ehrhart, Mifflinburg, until December 31, 1939. (Reappointment)

Rev. Floyd A. Huff, White Deer, until December 31, 1940. (Reappointment)

VENANGO COUNTY

Miss Winnie Egbert, Oil City, until December 31, 1940, (Reappointment)

N. L. Ramsey, Oil City, until December 31, 1941, vice Mrs. Eleanor Jenkins McLaughlin.

E. P. Boyle, Oil City, until December 31, 1940, vice Mrs. Lillian Karns.

Rev. W. Robert Webb, Franklin, until December 31, 1941. (Reappointment)

Francis B. Hollister, Franklin, until December 31, 1940, vice Mrs. Agnes F. Carmichael.

Mrs. Gladys Baker Maitland, Franklin, until December 31, 1939, vice Maurice Splain.

J. K. Earp, Oil City, until December 31, 1939, vice Emmett E. Bailey.

WARREN COUNTY

H. P. Stone, Warren, until December 31, 1941, vice Cecil C. Winans.

Fred Shaw, Tidioute, until December 31, 1939, vice Mrs. Nelle G. Walker.

George E. Cowden, North Warren, until December 31, 1940, vice Mrs. Margaret Cecelia Harris.

Leonard Swanson, Warren, until December 31, 1939. (Reappointment)

Mrs. Minnie Haggerty, Sugargrove, until December 31, 1941. (Reappointment)

Mrs. Emma D. Chrisman, Warren, until December 31, 1940, vice Mrs. Mary McCracken.

Mrs. Kathryn M. Frantz, Warren, until December 31, 1940, vice Mrs. Bessie Elder.

WASHINGTON COUNTY

George Grimes, Centerville, West Brownsville, until December 31, 1941, vice Dr. Ralph W. Martin.

Mrs. Eva D. Cummins, Houston, until December 31, 1941, vice Robert Crawford.

James B. Wray, Finleyville, until December 31, 1940, vice Henry Sheaff.

Mrs. Irene Walker, Daisytown, until December 31, 1940, vice Samuel White.

Charles A. Hamilton, Langeloth, until December 31, 1940, vice Mrs. Dorothy Richey.

Mrs. Delia Kelly, Donora, until December 31, 1939, vice Mrs. Gladys Parry.

John E. Cary Washington, until December 31, 1939, vice W. C. Edwards.

WAYNE COUNTY

Neil Keene, Waymart, until December 31, 1941, vice Lyle Swingle.

Roy N. Howe, Lake Ariel, until December 31, 1941, vice Mrs. Lydia Dietrick.

Hon. George Gilchrist, Lake Como, until December 31, 1939. (Reappointment)

Miss Bridget Corcoran, Hawley, until December 31, 1940. (Reappointment)

Mrs. Hazel Hill, Honesdale, unil December 31, 1940, vice Mrs. Emma Martin.

Mrs. Ernestine Haag, Newfoundland, until December 31, 1940, vice Mrs. Mae Thorpe Osborn.

Miss Edith Swift, Honesdale, until December 31, 1939, vice Mrs. Lottie M. S. Brenneman.

WESTMORELAND COUNTY

Dr. John B. Laughery, Sutersville, until December 31, 1941, vice Miss Nell Duke.

B. W. Kerr, Greensburg, until December 31, 1941, vice Mrs. Mary Dinsmore.

J. Claire Manson, Jeannette, until December 31, 1940. (Reappointment)

Mrs. Cecelia R. Jamison, Greensburg, until December 31, 1939. (Reappointment)

James E. Loughery, Greensburg, until December 31, 1940, vice Mrs. Mary Ann Noel.

Edward R. Stirling, Vandergrift, until December 31, 1940. (Reappointment)

Wm. M. Murray, New Kensington, until December 31, 1939, vice Mrs. Margaret Flavin.

WYOMING COUNTY

William A. Kelly, Tunkhannock, until December 31, 1941, vice H. L. Billings.

Cecil P. Allen, Tunkhannock, until December 31, 1939, vice Mrs. Lillian Auvil.

Horace Sick, Tunkhannock, until December 31, 1940, vice Mrs. Hilda C. Vaughn.

Mrs. Lulu Gilmore, Noxen, until December 31, 1940, vice Mrs. Mary Quinn.

Mrs. Maude Ellsworth, Meshoppen, until December 31, 1940, to fill a vacancy.

Miss Nellie Kleinfelter, Factoryville, until December 31, 1939, to fill a vacancy.

Mrs. Helen Smith, Nicholson, until December 31, 1941. (Reappointment)

ARTHUR H. JAMES.

Mr. EALY. Mr. President, there are two counties where there is just one name to each.

The PRESIDENT. In order that there will be no mistake the Chair is going to request that the Journal Clerk read the nominations of the counties as he took them down and the way on which they will be voted.

Mr. SHAPIRO. Mr. President, I ask, if there is no objection, that we vote for all counties as one as they have been read off.

The PRESIDENT. That will be satisfactory but we want to read them off so that there will be no errors.

The Clerk will repeat the counties on which we are acting.

The Clerk read the following:

Adams
Beaver
Berks
Blair
Bradford
Bucks
Cumberland
Carbon
Center
Chester
Clarion
Clearfield
Clinton
Columbia

Mr. EALY. Mr. President, I have received a request to hold one nomination from Clinton County, that of Mrs. Cora Weilder, Renovo.

The PRESIDENT. We will take that up after we dispose of these. The Clerk will proceed.

The Clerk proceeded:

Crawford
Elk
Forest
Franklin
Fulton
Greene
Huntingdon
Indiana
Jefferson

The President. Is there objection to Dauphin?

Mr. EALY. No. Mr. President.

The PRESIDENT. We will correct that and add Dauphin County to the list. We will proceed.

The Clerk proceeded:

Dauphin
Juniata
Lackawanna
Lebanon
Lehigh
Luzerne
Lycoming
Mifflin
Monroe
Montgomery
Montour
Northampton
Perry
Philadelphia
Pike
Potter
Schuylkill
Snyder
Somerset
Sullivan
Susquehanna
Tioga
Union
Venango
Warren
Washington
Wayne
Westmoreland
Wyoming
Lancaster
Columbia

The PRESIDENT. Will the Senate advise and consent to the nominations of the several counties just read?

Mr. CAVALCANTE. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. The Senator will be so recorded.

Mr. REED. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Scarlett,
Chapman,	Frey,	Lanius,	Shapiro
Coleman,	Gelder,	Letzler,	Sipe,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Haluska,	McCreesh,	Stevenson,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Homsher,	Miller,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Rice,	Wolfenden,
Eroe,	Kilgallen,	Ruth,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SHAPIRO. Mr. President, I would like to explain my vote and I think in making this explanation I am speaking for most of the members on this side of the House. This, in my opinion, is a right-about-face to the position we have taken before on these nominations, and I do not mind saying so because those are the facts, but in the main this is done because there is a great deal of agitation and some legislation which we will be called upon to discuss very shortly in connection with the local boards.

I call attention to the members on the other side and to my colleagues, some of whom are aware of several instances where Boards suggested by the Governor are in violation of the provision of the law that requires all of the members of the Board shall not be of the same political faith, and yet in several instances there are seven members of a Board and seven of them are Republicans. Some of those named on these lists actively engage in politics. In several instances practically the majority of the Board are active in politics, either on patronage committees or in other ways politically engaged and politically known in the community in which they live; but in view of the effort being made in the Van Allsburg Bill to transfer control of relief of the various counties and in view of the fact that we do not want our attitude to be used as an excuse for the passage of this bill, and in view of the fact, if the Van Allsburg Bill passes, which I do not think it will—it will very soon develop that the making of appointments of this kind are bad and should not be made.

It is because of that feeling that these nominations are being confirmed. In some instances some are being withheld because of specific objections to a specific appointee. Investigation as to their qualification and standing is being made, but in the main these boards are political and the reason back of the Governor's own statement that politics should be kept out of relief will be soon found when these boards begin to work.

Mr. EALY. Mr. President, there are three more Boards that have yet to be acted upon and I ask that they be taken up now. They are Butler, Mercer and Clinton Counties.

The PRESIDENT. The Clerk will read the nominations for the Counties of Butler, Mercer and Clinton—just those that have been approved:

BUTLER COUNTY

R. J. Ferguson, Butler, until December 31, 1941, vice Mrs. Florence C. Von Krogh.

J. Brady Murrin, Butler, until December 31, 1939, vice Mrs. Maude N. Patterson.

Ike Levy, Evans City, until December 31, 1940, vice Harry Daly.

Mrs. Daisy Riddle, Butler, until December 31, 1940, vice Mrs. Callie Knox.

Miss Helen Campbell, Butler, until December 31, 1940, vice Harry T. Rattigan.

Mrs. Anita Williams, Butler, until December 31, 1939, vice Mrs. Elizabeth L. Campbell.

Mr. SIPE. Mr. President, I have just heard the Clerk read all of the nominations of the proposed new County Assistance Board of Butler County. The name of F. Carl Anderson has not been read, I assume for the reason that I have let it be known that I object to Mr. Anderson as a Member of the County Assistance Board of that County.

I want to make a record of my objection here for the Journal, along the same lines as I told the people of Butler County.

Mr. Carl Anderson is a friend of mine, he is a fine gentleman. However, he is one of the three members of the patronage committee of the Republican Party of Butler County. I want to save the new County Assistance Board of Butler County from itself. I want to save it from being open to the objection that it has too much political color, by having on it, as it would, if Mr. Anderson were confirmed, a member of the patronage committee of the Republican Party.

I would object to Mr. Anderson serving on the County Assistance Board even if he were a member of the patronage committee on the Democratic Party, and all that I ask of Mr. Anderson to receive my O. K. is simply to resign from the patronage committee of the Republican Party of that County, so it is up to him to say which he loves the more, being a member of the patronage committee or a member of the County Board of Assistance.

I repeat that I am trying to save the Board from criticism and I would make this same objection even if Mr. Anderson were a member of the patronage committee of my party.

The PRESIDENT. The Clerk will proceed to read the nomination of Mercer County:

MERCER COUNTY

R. E. English, Grove City, until December 31, 1941. (Reappointment)

Dr. W. W. Richardson, Mercer, until December 31, 1941. (Reappointment)

Chas. D. Rissel, Greenville, until December 31, 1940. Reappointment)

Dr. Myron Murstein, Sharon, until December 31, 1940, vice Stephen B. Doyle.

Mrs. Mildred Clark, Sharpsville, until December 31, 1939. (Reappointment)

Mrs. Jane Dear, Farrell, until December 31, 1940, vice Geo. Frankel.

The PRESIDENT. The Clerk will read the nominations for Clinton County;

CLINTON COUNTY

Edward M. Eberhart, Lock Haven, until December 31, 1939, vice Mrs. Edith Bossart.

E. J. Culmann, Lock Haven, until December 31, 1941, vice George Betts.

Mrs. Marilla Stouck Gummo, Lock Haven, until December 31, 1941, vice Edw. P. Jones.

Samuel Williams, Renovo, until December 31, 1940, vice W. A. Morris.

Mrs. Lulu Schroeder, Avis, until December 31, 1940, vice Mrs. Gertrude Wheeler.

Ralph Welshans, Booneville, until December 31, 1939, vice J. L. Lubrecht.

Mr. CAVALCANTE. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

Mr. REED. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Farrell,	Kunkel,	Scarlett,
Chapman,	Frey,	Lanius,	Shapiro,
Coleman,	Gelder,	Letzler,	Snowden,
Crowe,	Geltz,	Mallery,	Stevenson,
Dando,	Haluska,	McCreesh,	Stiefel,
Deitrick,	Heyburn,	McGinnis,	Tallman,
Dent,	Homsher,	Miller,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The PRESIDENT. The Clerk will proceed to read the Notaries Public:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 8, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Mary L. Crawford, Pittsburgh, 818 Frick Bldg.

DAUPHIN COUNTY

Homer C. Bradley, Harrisburg.
Miss Marion C Shaver, Harrisburg.

LEHIGH COUNTY

Lehigh W. Schadt, Allentown.

MONROE COUNTY

Earl V. Schrack, Strodusburg.

PHILADELPHIA COUNTY

Ernest Berry, Phila., 6066 Ridge Avenue.
Miss Mary C. Bonner, Phila., The Barclay, 237-247 South 18th St.
Benjamin Boory, Phila., 2436 N. Stanley St.
Joseph C. Fluehr, Phila., 6523 Frankford Ave.

SCHUYLKILL COUNTY

Gomer W. Jones, Saint Clair

WARREN COUNTY

John J. Retzer, Warren.

WESTMORELAND COUNTY

R. Clair Kepple, Vandergrift.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 8, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jacob Stern, 432 Bankers Securities Building, Walnut and Juniper Streets, Philadelphia, Philadelphia County, for appointment as a Notary Public, for the term of four years to compute from May 14, 1939.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nominations of Notaries Public?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS— 0

Two-thrids of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered. That the Governor be informed accordingly.

Mr. CAVALCANTE. Mr. President, the gentleman from Washington and myself have voted present on all of these Public Assistance Boards. I do not know the reason that the gentleman from Washington may have but I do wish to explain my vote "present." In addition to knowing that many of the persons appointed to those Public Assistance Boards are engaged in politics, I have specific information about my own board in Fayette county.

Shortly before the Governor made his nominations there came to my office a political ward heeler of my county and he told me that he had been sent to my office by the Republican County Chairman, that they were picking the persons for the Public Assistance Boards and that they had left one place vacant and they wanted me to name a Democratic woman that would be acceptable to the Republican County Chairman, and after I read the riot act to that Republican ward heeler, I assure you that he left my office in not as pleasant a mood as when he came in.

Then, a month or so after the Governor had made his appointment I had the pleasure to attend a political meeting in the form of a banquet tendered to the Republican County Chairman and at that meeting the Republican County Chairman publicly stated that he felt himself particularly honored that the Governor of this state had permitted him to select the persons on the Public Assistance Board and that they would be confirmed notwithstanding and objections by the Senator of that particular district.

Now, that is my reason for voting "present" on all these nominations. I want to be consistent with myself. When I know a thing to be wrong, I am not going to vote for it. Since I know that so many of these boards were selected purely on a political basis, and since I know that both parties—I mean the really good members of both parties—are opposed to politics in this relief administration, I would feel very much inconsistent with myself and the best interests of the people of the state should I vote for the confirmation of members of county boards whom I know were selected purely on a political basis.

I will not vote for anything that I know is wrong. I think that I speak also on that score the sentiments of my colleague from Washington county.

Mr. REED. Mr. President, I had not intended to make any explanation of my vote on these confirmations, but in view of the fact that the Senator from Fayette has deemed it wise to say something on this important subject, I wish to have the opportunity of making a short explanation as to why I voted "present" on these confirmations.

Early in the session, when this question first came up, one of the members of the other side of the chamber made a long speech condemning the action of the Chief Executive in nominating certain persons to some of those boards. Later on I think the gentleman from Adams also voiced his objections to certain members on his board, and later in the session I think the gentleman from Cumberland likewise raised objections, and I think there were several other Senators made objections to some of the people who had been named for confirmation, and I think all of those objections were political in nature.

Now, in order to determine whether these statements

were true, I introduced a resolution in the Senate asking that an investigation be made of the various persons nominated or suggested, and that resolution never received any action or any attention and so, Mr. President, I thought in view of the fact that politics can play such a disastrous part in the administration of welfare that I would take no part one way or the other, and for that reason I voted "present."

Mr. DEITRICK. Mr. President, in view of what has been said on the other side with regard to some of the remarks made on the floor of the Senate some months ago, I feel first I should say that after listening to the remarks of the Democratic floor leader I think that the Democrats themselves should be complimented on looking over the boards and feeling that so many of them really are fit to carry on the duties which will be required of them, should this Van Allsburg bill go through, in which we all know the duties of the board will be greatly increased should the Van Allsburg bill be passed.

There is still, of course, a reasonable doubt as to whether or not it will go through, but when the minority themselves go through and scrutinize the lists of the different boards and confirms so many of them, it seems to me they have taken a broad view, and feel the boards they have confirmed will not be political. I am also glad the Republicans feel where some of the boards are shown to be politically inclined that they should not be confirmed at this time.

Perhaps later on we can consider things in a way that would excuse the different members from the stigma of being termed political. I think it is definitely proven—we all know the different set ups in the different counties and we all know our own county best. As we know, the board of Northumberland county has been left out of ones that are being confirmed, and the reason is perhaps the remarks about different members of the board, who, in the opinion of the Senator from that particular district, is that they are more or less political, like the Senator from Armstrong said there was nothing personal—but one man on his board is a politician.

I think we should not lose sight of the fact that we ought to keep politics out of relief as much as possible, and I have not changed my attitude about that, but I do think the minority members should be congratulated on looking the lists over and saying they would go along with as many as they did.

QUESTION OF INFORMATION

Mr. EALY. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Somerset, Mr. Ealy will state his question of information.

Mr. EALY. Mr. President, do I understand that the record shows that the Committee did not make a report as to the members from the following counties: Cumberland, Allegheny, Cambria, Beaver, Lawrence, Northumberland, Fayette, Delaware, and as to the three nominations, one each on the boards of Clinton, Butler and Mercer counties, and that those nominations are still in the Executive Committee?

The PRESIDENT. The Chair may be in error, but the Chair so understands.

Are there any remarks on that question?

Mr. McGINNIS. Mr. President, I want it understood I did not object to the members from Allegheny County. I do feel, however, that the administration are the parties responsible have made a grave blunder in protecting that board. While I feel they are all high class people such people as Ben Graham, Superintendant of Schools, was knocked off. As is well-known Allegheny County, especially the City of Pittsburgh, is known as the workshop of the world. We have three of the greatest rivers in the world; we have ten miles of bridges that cross those rivers; we have the grandest mines on earth, and as the Senator from Allegheny, Mr. Walker, said the the other night, we have the most beautiful women—we have universities there whose lovers kiss the heavens—Mr. Walker but my main complaint is this, that it being the workshop of the world there is not a single labor representative on that board.

EXECUTIVE SESSION RISES

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

PROCEED WITH FURTHER CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I move that we now proceed with further consideration of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 58, entitled:

An Act to amend paragraph seven of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utilitic business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary refirm or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and

corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I examined this bill and discussed the subject matter of this bill with some people who know something about the situation, and I am told that there is no objection, no desire, even on the part of the Utilities Commission to deal with or take control or supervision over these agricultural carriers, but I should like to interrogate the gentleman from Tioga, Mr. Owlett, to satisfy myself and decide if there has not been a mistake made. I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state whether it is not true it was the intent of this bill merely to exempt agricultural carriers from the supervision of the board?

Mr. OWLETT. Mr. President, this bill was introduced by me primarily to take care of a situation which I know exists in my county, and I believe exists in many other counties of this state, where farmers who transport their own and neighboring farmers' products, such as milk and other farm products to market, have been required to take out a certificate from the Public Utilities Commission and file rates and take out cargo insurance, and they receive in many cases a great big envelope filled with questionnaires that take a Philadelphia lawyer—such as the Senator from Philadelphia, Mr. Shapiro—to even consider filling out—and we hope to relieve the farmers of the agricultural sections of this state of that tremendous burden and expense of requiring a certificate when they are merely transporting their farm products and those of their neighbors to market.

Mr. SHAPIRO. Is it not true, Mr. President, before these amendments were put in that the cooperative associations were exempt from that same procedure.

Mr. OWLETT. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Tioga, Mr. Owlett, bear with me and follow the reading of this section and state whether, by his amendments, he is putting these cooperatives in again under the supervision. On page seven, line four, the section read, before the bill was prepared that:— "any bona fide cooperative association—" and it now reads: "any bona fide agricultural cooperative association"—does not that mean only agricultural associations are exempt and the others are now in?

Mr. OWLETT. Mr. President, my understanding is from those who assisted in the drafting of these amendments that after the word "agricultural" there should be a comma, because it is not intended to take away the exemption on cooperative associations.

This act as it now reads is considerably different than the act as I first introduced it. In the first introduction of the act we amended the definition of public utilities and we have now concluded there should be an amendment, rather a definition, of the contract carrier rather than public utility and in order to make certain that the agricultural associations as well as the cooperative associations are exempt we added the word "agricultural" and in addition provided that "any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms" are exempt.

Mr. SHAPIRO. Mr. President, it seems to me this is an important matter. I agree with the purpose of the gentleman from Tioga, Mr. Owlett, but I think it would be much better and certainly clearer if this bill had said any bona fide agricultural association—not cooperative association. As it is now it will take more than a comma to clarify our intention, and I would suggest to the gentleman from Tioga, Mr. Owlett, that he allow this bill to go over in its order in order that we can clear that up.

Mr. OWLETT. Mr. President, in view of the great interest of agricultural groups in this state in this bill, and with the assurance I now get from my friend, the Senator from Philadelphia, Mr. Shapiro, I will prepare amendments clarifying that section for introduction in the House—this is a Senate bill and we are approaching the end of the session—the bill was introduced early in the session and I would like to have it go through tonight.

Mr. SHAPIRO. Mr. President, I think the amendment can be made tonight—the amendment can be dictated in five minutes time—and I do not think we should allow it to get into the muddle which will exist in the last days of the session.

Mr. OWLETT. Mr. President, I have no objection whatsoever to clarifying the matter to which our attention is called. These amendments were prepared, I understand, by the attorney for the Public Utility Commission, cooperating with the agricultural groups in preparing these amendments, and I hate to have it go over in its order—which will be necessary if we make the changes the Senator from Philadelphia, Mr. Shapiro, suggests, and I am sure it can be taken care of,-and will be, in the House.

Mr. SHAPIRO. Mr. President, I have no particular interest and I will leave it entirely to the Senator from Tioga—except I will say in Philadelphia we have a number of cooperatives and I am afraid unless the amendment will be taken care of we will have them within the jurisdiction of the Public Utility Commission, but if the gentleman is sure it can be taken care of I will not insist—I merely wish to call the matter to the attention of the members of the Senate.

Mr. CAVALCANTE. Mr. President, I observed when the gentleman from Tioga was making his statement that the President was speaking to someone else, but in his statement the gentleman from Tioga stated that when this bill was originally introduced it was to amend a defi-

nition of public utilities, and that now this bill, as it appears on our calendar, is a bill to amend not the definition of public utilities but adds a new section amending the definition of contract carriers and motor vehicles, and I submit under the constitution this amendment so changes the tenor of the bill that I at this time raise a point of order.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, at this time I raise the point of order that the amendment as stated by the gentleman from Tioga, Mr. Owlett, as he has already placed it on the record—shows that the tenor of this bill has been changed by the amendment.

It is not now a bill to amend the definition of a public utility but it is a bill containing a new section and changing the definition of "contract carriers by motor vehicles."

Mr. OWLETT. Mr. President, I suggest that the point of order of the Senator from Fayette, Mr. Cavalcante, is not well taken. This act amends section 1, which is the section containing the definition, and it still amends that section and it amends a section of the public utility act containing definitions.

Now, the purpose and the point of the bill is not changed by the amendments and the object is the same for which it was introduced, and I submit that the point of order of the Senator from Fayette, Mr. Cavalcante, is not well taken.

Mr. SHAPIRO. Mr. President. I think that the gentleman from Fayette is correct when he says you cannot by amendment change the purpose of the bill, and it is true there has been an intention to change the definition of a common carrier, the bill states: "Shall exclude therefrom farmers who transport milk produced on their farms, together with milk produced by their neighbors, to factories or milk receiving stations"—and the new amendment does the very same thing, except change the definition of contract carriers—the purpose of the bill is not changed at all.

The PRESIDENT. The Chair rules that the point of order raised by the Senator from Fayette, Mr. Cavalcante, is not well taken.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro,
Chapman,	Gelder	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stevenson,
Deitrick,	Haluska,	Owlett,	Tallman,
Dent,	Heyburn,	Pierson,	Thomas,
DiSilvestro,	Homsher,	Reed,	Walker,
Ealy,	James,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Lanius,		

NAYS—3

Jaspan,	Kunkel,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 153, entitled:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first one thousand nine hundred and thirty-nine

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I ask unanimous consent to amend page 8, line 5, by striking out the words "three hundred thousand dollars ($300,000) and inserting in lieu thereof the following: "one hundred thousand dollars ($100,000)"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 156, entitled:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred and seven (P. L. 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 274, entitled:

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class providing for their office office supplies and clerical assistance and providing for their compensation and the payment of the same by the county

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrich,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 293, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, I wish to call the attention of my colleagues to the fact that this is a regular biennial appropriation of $8,500,000 for road purposes in the various townships of this Commonwealth. The law, or the appropriations made every biennium, contain the provision that after the money has been allocated to the supervisors that they shall exclude that amount from their annual budget, and I wish to call the attention of my colleagues to House Bill 443, which is on the calendar for passage today.

Now, House Bill 443 contains a provision that I refer to, section 5, on page 6 of House Bill 443. This section reads as follows:

"The Board of Supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years 1938 and 1939 exclude from the said annual budget and tax levy for road and street puropses any provision for the maintenance and repair of the roads and bridges."

Now, Mr. President, that section was put in there so that this money appropriated by the State and allocated to the townships might inure to the benefit of the tax payer, that is, the real estate owner, the man who pays taxes on real estate.

Now, this bill that is on the calendar for action at this time, House Bill 442, appropriates $8,500,000, but does not include a provision similar to the provisions in the bills of previous sessions, requiring the supervisors to exclude this money from their annual budget.

The thing that it does is this: this bill No. 442, gives to the townships this $8,500,000 and also permits them to levy taxes without any limitation on them, and I say that when we consider the heavy burden that is now on real estate in our Commonwealth, that we ought not to relax the rule of previous years; when so many people that own homes are unable to pay their taxes and their properties are for sale for delinquent taxes at this time, they should receive the benefit of this appropriation as they have been benefited in the past years.

So, Mr. President, I would ask that if this bill can not be postponed so that we can put a section in it similar to the one that has been contained in previous appropriations of this kind, that my colleagues vote the bill down.

Mr. RICE. Mr. President, on these bills, Nos. 442 and 443, I agree with the remarks of the Senator from Fayette. The removal of the clause referred to may cause a rise on farm taxes.

However, I am going to vote for this bill even though I think this legislation is a step backwards. I think the State has maintained during the past several years the township roads in a perfectly satisfactory manner with the money available.

I do not think that the township supervisors as such will be able to do a better job—many of the townships have only a few miles of township roads left—and it will be necessary for them to buy equipment or rent it, but apparently the only way that we can prevent the entire burden of maintaining these township roads being placed on the real estate owner is by the passage of this bill.

The present administration apparently does not want the Highway Department to maintain those roads—there is no bill pending to provide money for the maintenance of those township roads other than this bill.

If this bill is not passed it will be necessary for the various townships to levy taxes in the amount of $8,500,000 to replace the money which has been given to the township supervisors for maintenance, and it is for that reason—although I do not agree with the principle of the bills—that I am going to support them.

Mr. GELDER. Mr. President, for quite a number of years there has been considerable controversy on the

matter of maintenance of these township roads. The Senator from Fayette does not seem to realize that the principle of the bill that we are now about to vote on differs from the bill of two years ago, and the clause that he calls attention to is omitted from this bill, is necessarily omitted if we are going to make the change that we are making at this time.

In the bill of two years ago it was provided that the Highway Department spend the money but that it be allocated to the township roads. The Highway Department was able to mass the money on the roads that they felt would require the greatest amount of money. Under the provisions of this bill the money is allocated to the various townships on the basis of the mileage in the townships, and that means in some townships, what you might call the underprivileged townships—just as we are hearing a great deal these days about the underprivileged among the humans—there may be more money allocated than is necessary for maintenance and in that case we will have more money to put on permanent improvements. In many of the other townships which have improved roads there will be spent a considerably greater amount of money than is given to them under this bill, and they would be in a very sorry condition if they were not allowed to levy a tax in addition to the amount they are to receive from the State government.

Now, I am not going to argue with the gentleman from Adams as to whether or not the present system, or the system of two years ago, is the better system but I do want to say to the Senator from Fayette that it would be impossible to pass this bill with the clause in it he is asking to have placed in the bill, which would say to the supervisors that they can not levy taxes.

Mr. SHAPIRO. Mr. President, the City of Philadelphia has more population than all the second class townships put together, and the City of Philadelphia has not had $8,500,000 from the Commonwealth of Pennsylvania for its roads in eighty years. The first time Philadelphia got any money for roads was some time in 1935, when I started a quarrel about the proposition, we were paying huge taxes and getting no benefit from them while second and third class cities were being helped with their highways.

This bill, as far as I can see, is purely political. The supervisors want it so that they will have the chance, the opportunity, to appoint a lot of political appointees and somebody else does not want it to be that way, for the same reason. There is no reason why that $8,500,000 can not be spent without politics entering into it.

I have not made up my mind how to vote on this bill—the fellow that makes the best speech will get my vote.

Mr. CAVALCANTE. Mr. President, I assure the gentleman from Susquehanna that I raelize fully the provisions of this bill and I also realize very fully that we might have different views on it, depending upon whether your view is political or whether your view is non-political.

I realize very fully, by reading this bill, that we are appropriating $8,500,000 out of the motor fund and that this money will be allocated to townships of the second class.

Now, when we go down to townships of the second class and make an inventory of the road supervisors, the men in whose hands we are to put this money, you will find a very large percentage of them are not real estate owners —they do not even own any property—but this money is put in their hands, and most of them are simply small time politicians who know nothing about road construction and never will know anything.

I would not care if this $8,500,000 would be put into the hands of politicians and spent, but I am asking that if that must be done that we at least give some consideration to the individual who, after all is said and done, is really the backbone of the nation, and that is the man who owns the soil, the man who may own a lot with a home on it, or a farmer who may own a farm for agricultural purposes.

Now, those men and women who own the soil are indeed the backbone of the nation, and I say that the policy adopted two years ago put a provision in this act that when we appropriate this money that the money shall be reflected in some sort of relief to those men and women who own the soil—not to permit this gang of politicians who call themselves road supervisors to spend this appropriation and then give them a blind check to levy taxes upon the homes and farms of the people.

I do not want to repeat what I said in the beginning, that the biggest problem before us today is how to save the homes and farms of hundred and thousands of honest American citizens here in the State of Pennsylvania, who have been unable to meet their heavy tax burdens, and this system or this provision put in the bill two years ago had that for its purpose, to give those farmers and those home owners at least a saving of $8,500,000 from the taxes levied on their homes and farms.

Now, why isn't that good? What is wrong with that system or that policy—are they not entitled to it, in view of all these laws that we are passing to adjourn and readjourn treasurer sales of hundreds of thousands of homes and farms?

When are you going to come to grips and give this class of our citizenry the relief that they are entitled to on these heavy, burdensome taxes on their homes and their farms?

Mr. GELDER. The provision requiring the supervisors to cut down that tax in proportion to the amount of money they receive from the State originally was placed in the bill eight years ago—not two years ago—and I want to say it was the deplorable condition of the roads in the last two years that apparently created the demand for the change in legislation at this time.

Mr. CAVALCANTE. Mr. President, I did not add to my remarks and I want to add to them, as I said here some days ago, I am at this time employed as solicitor or attorney for a Board of Supervisors of a township of the second class, and I am going to vote against this bill. I do not think that my interest will prohibit me from voting against it, and if they do not like it they can fire me tomorrow, but I do not believe in putting this money in their hands unless they give the property owner relief at least proportionate to the amount of money that is appropriated and allocated to them by the State.

Mr. SHAPIRO. Mr. President, I think that the Senator from Susquehanna, Mr. Gelder, made the best speech, and I am going to vote aye.

Mr. SIPE. Mr. President, nobody having made a very good speech, I am going to vote aye.

The PRESIDENT. I think it would be well for the Senator from Susquehanna to speak more frequently.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrick,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Owlett,	Tallman,
DiSilvestro	James,	Pierson,	Thomas,
Ealy,	Jaspan,	Reed,	Walker,
Edmonds,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,
Farrell,			

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and muncipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

be recommitted to the Committee on County Government for the purpose of a Public Hearing.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 437, (House Bill No. 254), entitled:

An Act to amend section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of election county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for compensation for services rendered by constables and their deputies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with iinformation that the Senate has passed the same without amendments.

Mr. REED. Mr. President, I was going to speak on this bill, but I understand the bill is to go over in its order. If the bill is going to remain on the calendar, I wish to suggest to some of the good lawyers on the other side that they consider the constitutionality of this bill.

The PRESIDENT. Is it the desire that this bill go over in its order?

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 504, on third reading, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court, the judges thereof to consist of the retired judges of the Supreme, Superior, Common Pleas and Orphans' Courts, and to perform auxiliary judicial services in the several courts of the Commonwealth, and providing for their necessary expenses, and for the continuation of their retirement pay while performing such services.

go over in its order.

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, I would like to interrogate the sponsor of this bill.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. STIEFEL. Mr. President, I would like to ask the Senator from Tioga whether he is aware of Senate Bill 726, which is now in the Senate and which was introduced by me and has some features analogous to the features of this bill?

I would like the Senate to consider both bills and evolve some neutral measure.

Mr. OWLETT. Mr. President, in reply to my colleague from Philadelphia, Mr. Stiefel, I wish to say that the bill which I introduced, I understand, was determined to have some unconstitutional features by the people who drew it up, and they drew up a new bill with the thought

that this bill would remove those objections—the committee considered both bills and concluded that this was the best bill.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 505 on third reading entitled:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments

be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 576, (House Bill No. 895), entitled:

An Act to amend section four hundred two of the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Farrell,	Kunkel,	Scarlett,
Chapman,	Frey,	Lanius,	Shapiro,
Coleman,	Gelder,	Letzler,	Snowden,
Crowe,	Geltz,	Mallery,	Stevenson,
Dando,	Gilson,	McCreesh,	Stiefel,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS—3

Cavalcante,	Reed,	Sipe,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 585, entitled:

An Act to amend clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide fire hydrants and hose to pay for and maintain the same by tax levy or from revenues derived from the general road tax

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. CAVALCANTE. Mr. President, this bill amends the present Act concerning townships of the second cless. As the law now stands it gives the supervisors, on petition of owners of a majority of the linear foot frontage along any highway the right to place fire hydrants along said highway. The word "highway" is in the singular; and then it gives the supervisors the power to levy a tax on all the property abutting on that highway.

This bill now changes the law, where it gives the supervisors the power to install fire hydrants along one street and then levy a tax for the support of those fire hydrants on everybody within that district, whether their properties abut the street where the hydrants are put or not.

Another bad feature of this bill is contained in lines 14 to 16. If the supervisors do not wish to affront the voters of that particular district, where the fire hydrants are installed, they may pay for the upkeep or those hydrants from revenue, derived from the general road fund. In other words, the fire hydrants may be installed in one part of the township that is built up and where homes are contiguous to each other, and make some poor farmer, six or seven miles away, or at the other end of the township, pay taxes to keep these fire hydrants.

Now, I wish to point that out to my colleagues. You may read the bill, if there is any doubt in the words that I have just stated, that the bill does the very thing that I just said. I merely call attention to it; and if you wish to vote for a bill like that you may do so.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Frey,	Kunkel,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Rice,	Wolfenden,
Eroe,	Kilgallen,	Ruth,	Woodward,
Farrell,			

NAYS—4

Cavalcante,	Ealy,	Lanius,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. DEITRICK. Mr. President, I ask unanimous consent that Senate Bill No. 594, on third reading, entitled:

An Act to further amend section three of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants, the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," providing for the licensing of certain nurses without examination.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 606, (House Bill No. 868), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

And said bill having been read at length the third time,

On the question,

Mr. SHAPIRO. Mr. President, this is one of the bills that makes me think we are spending more time on small matters than on the real work that this Senate should concern itself with. Two years ago we passed a bill providing that county commissioners should divide their patronage so that the county commissioner who represents the minority, should get a portion of the patronage.

I have always assumed the reason for having a minority representative is that he should be there to see to it that at least some of the people are not of the same political complexion. The county commissioners in Philadelphia have charge of the voting machines and the county commissioners in Philadelphia have something to do with vote-getting. County commissioners all over have something to do with voting and certainly it was intended that minority representation was merely more than giving one particular favorite of the opposite party a job; so, we pass a bill giving him a portion of the appointments so that he could have appointed parties of the opposite political faith to be in charge, care and custody of voting machines and of the elections.

Now, of course, that grates a little on the sense of fairness of the Republican party in Philadelphia—that is too much to give to a minority commissioner who never had anything before; but we wanted to take a little bit of care of those voting machines and we thought we were right and so we passed the bill. And now, because the Republicans have a majority, they are all trying to change that, and, I suppose that means, at the next session, when the Democrats have the majority they will change it back again; and so on ad infinitum. This seems to me to be bad legislation; the kind of legislation we ought not to pass.

I wonder if this is one of the bills that comes under the heading of "bon-fire bills," and I ask my colleagues to vote "no" on this bill.

Mr. CAVALCANTE. Mr. President, I disagree very much with my colleague from Philadelphia, Mr. Shapiro. I think this is a very good bill—a very good bill. This bill, when it was passed, was passed for the purpose stated by the gentleman from Philadelphia; but when he voted for that bill he overlooked the fact that there are parts of Pennsylvania that are not within the confines of Philadelphia County, that there are other counties in this State of Pennsylvania, and the gentleman from Philadelphia was not much concerned with the other counties to see that the minority commissioner received his share of the patronage in those outlying counties. This is a very good bill. The Act ought to be repealed and an Act like this ought to be passed only whenever it can be made applicable to the counties as a whole and not merely a political subdivision like Philadelphia.

Mr. SHAPIRO. Mr. President, may I expose some State secrets?

Last year I wanted this bill to apply to all counties, but the people, who had the majority of the County Commissioners, did not want it; and, so, since I was interested in good government and could not get it for all over the State, I confined myself to my own territory. I was told to attend to my own business. I recommend to the gentleman from Fayette, Mr. Cavalcante, and the rest of the gentlemen, that the time is past when any particular county can forever control the other counties. The people no longer will allow any one party to control the affairs of the State or a locality; they are going to change their governments as quickly as they realize a change is necessary—as they did in the last election. Now, when they get through with this Session they will say that the Republicans did not do the things that they promised and they will put in Democrats and I suggest the best way to meet the situation is to get a real minority representation all over. I tell the gentleman from Fayette that I will join him in a bill to bring in all counties of the State.

Mr. MILLER. Mr. President, I desire to be recorded as voting "aye."

The PRESIDENT. It will be so recorded.

Mr. McCREESH. Mr. President, I would like to change my vote from "aye" to "no." I might say to the Senator from Tioga, Mr. Owlett, that this bill to be repealed, and about which we have just been talking, was my bill at the last Session.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Eroe,	Letzler,	Sipe,
Cavalcante,	Farrell,	Mallery,	Snowden,
Chapman,	Gelder,	McGinnis,	Stevenson,
Crowe,	Geltz,	Miller,	Tallman,
Dando,	Haluska,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Reed,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,

NAYS—14

Coleman,	Gilson,	Lanius,	Ruth,
Dent,	Jaspan,	McCreesh,	Shapiro,
DiSilvestro,	Kilgallen,	Rice,	Stiefel,
Frey,	Kunkel,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 608, (House Bill No. 947), entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

NAYS—19

Cavalcante,	Gilson,	Lanius,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063), on third reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 635, entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments;" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions; and declaring bonds of an authority negotiable instruments, proper for legal investments and free from taxation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 637, on third reading, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all taxes delinquent for more than one fiscal year and providing remedies and penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 675, entitled:

An Act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy or inducing holders thereof to exchange, securities defined herein, including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registration; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to amend Section 2, page 5, line 15, by striking out the word "mortgages" and inserting in lieu thereof the following: mortgagees; amend Section 2, page 7, line 9, by striking out the word "of" after the word "securities" and before the word "claims" and inserting in lieu thereof the following: or.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 687, entitled:

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class and preserving lien of all taxes on such lands.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreebly to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Frey,	Letzler,	Scarlett,
Coleman,	Geltz,	Mallery,	Shapiro,
Crowe,	Gilson,	McCreesh,	Sipe,
Dando,	Haluska,	McGinnis,	Stevenson,
Dent,	Homsher,	Miller,	Stiefel,
DiSilvestro,	Jaspan,	Pierson,	Walker,
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rice,	Woodward,
Farrell,	Lanius,	Ruth,	

NAYS—11

Bartlett,	Ealy,	James,	Tallman,
Chapman,	Gelder	Owlett,	Thomas,
Deitrick,	Heyburn,	Snowden,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. DANDO. Mr. President, I ask unanimous censent that Senate Bill No. 695, on third reading, entitled:

An Act to deny a right of action and to relieve counties of liability for damages for injury to or destruction of property by action of a mob or in consequence of a riot and repealing inconsistent acts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 702, entitled:

An Act to repeal the act approved the second day of May one thousand nine hundred and seven (P. L. 157) entitled "An act requiring all newspapers published in this Commonwealth to print in a conspicuous place in every issue the names of the owners proprietors or publishers and the managing editors of the same and making a violation of this act a misdemeanor and fixing the penalty therefor."

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I wish to interrogate the sponsor of this bill.

The PRESIDENT. Will the Senator from Blair permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, will the Senator from Blair, Mr. Mallery, state the purpose of this bill and why it is necessary.

Mr. MALLERY. Mr. President, Senate Bill No. 702 repeals the Act of May 2, 1907. This act requires a newspaper, if it is a corporation, to publish the name of the corporation, together with the names of the president, secretary, treasurer, and managing editor.

Mr. President, it is doubtful whether any newspaper in the Commonwealth has complied with this Act. It is vicious in that the penalty provided in this Act is one hundred dollars for the first omission thereof, to be increased by the sum of one hundred dollars for each and ever additional violation of this Act.

There is one newspaper that could be assessed the sum

of fourteen millions of dollars. Both the Philadelphia Inquirer and the Philadelphia Record today have not complied with this Act. Neither one has published the name of the secretary or the treasurer. The Act is unnecessary because almost everyone who wants to know the name of the owner, the managing director, or the secretary, or treasurer, of any of the newspapers in this State, can find that information by going to the prothonotary's office in the county where the newspaper is published. The Fictitious Names Act requires the publication—not the publication, but the notation, both in the office of the Secretary of the Commonwealth and in the prothonotary's office.

There is in contemplation the introduction of an Act which will require, as I understand, the publication of one or the other of those officers, so that there is no need of such a vicious Act as this one now on the statutes.

Mr. CAVALCANTE. Mr. President, I imagine it is fair to say that any Act aimed at the prevention of a crime is vicious to those individuals who have the audacity to commit the crime that the Act of Assembly is aimed at correcting.

The fact that the newspapers of this State have seen fit to violate this Act of Assembly is no reason for its repeal. If the newspapers of this Commonwealth have enjoyed an exemption over other citizens of this Commonwealth who have violated the penal laws, that is no excuse for repealing this Act.

My understanding of justice, and the kind of justice that is guaranteed to every citizen under the Constitution of this Commonwealth and this nation, is a justice that applies equally to all citizens; and if the newspapers of this Commonwealth have violated an Act of Assembly there ought to be no amnesty by this Legislative body—they should be made to pay the penalty the same as any other citizen of this Commonwealth.

In order to ascertain whether this Act ought to be repealed, we ought to know the purpose for its enactment in the first place; and I say we can understand more fully the purpose why this Act was put on the statute books in 1907 if we look about us today and see what is happening. In this present day when there is so much hue and cry over these entire United States of the invasion of this country by Alienism, by Communism, by Fascism, by Nazism, and by all other kinds of "isms," we can readily see that this Act ought to remain on the statute books and ought not to be repealed.

I tell my colleagues of this Senate that if a newspaper over in England would start on a propaganda spree to bring its influence, or bring pressure here on the shores of America, to change the form of government we have, of the form of government that we love, I would raise my voice against that foreign press.

If any newspaper in France, or Germany, or Italy, or Russia, would start out on a campaign of propoganda to bring pressure or influence here on the shores of America to change the form of our government, I would raise my voice against that press; and I would want to know who the persons were that were behind that propaganda; and I say, Mr. President, that we, who live here on the shores of America, have a right to feel that the press of America—the newspapers of this Commonwealth of Pennsylvania, ought not to use our shores as a base of operation to spread propaganda intended to incite the American mind against any Government that is on friendly terms with the United States of America. If we have newspapers here in this Commonwealth of Pennsylvania that are spreading their pages with propaganda intended to inflame the minds of the people of this Commonwealth against any foreign nation, I say that this Act ought to remain on the statute books; and the man who lives in Erie County, who might read the Inquirer, ought to know who is behind that propaganda and not be required to come down to Harrisburg, or down to Philadelphia, in order to see who is the editor or the man behind that propaganda.

In these times when there is so much agitation along these lines, I say, Mr. President, it is a Godsend, that this Act is on the books and, instead of repealing it, we ought to be more active to see that it is enforced. Why, Mr. President, if we repeal this Act, what would stop the German Bund, or the Communist from Moscow, or the Nazi from Germany, to come and circulate throughout this Commonwealth literature to incite racial, or religious, or political dissatisfaction; and we would be helpless to know who might be the originators of the propaganda.

Mr. President, I think it is a very wholesome thing that the people of this Commonwealth can turn to the editorial page of a newspaper and see who the owners—the editors and authors of the contents of that newspaper might be.

A great statesman said—and I believe in it, in the principle very heartily—that a man who has served his country as a soldier degrades himself when he becomes the tool of a faction, whether that faction be racial, religious or political; and this bill attempts to repeal an Act that gives the people of this Commonwealth an opportunity to know who prints the newpapers and who is behind the propaganda that might be contained in those newspapers.

Now, if Moe Annenberg, the owner of the Philadelphia Inquirer, who seeks this amnesty at the hands of this Legislature, is afraid to show the people of this Commonwealth that he is the owner of this newspaper, I say there is something wrong, something subtle in his stand to repeal this act. I notice by the editorial page, where the names of the chairman and publisher is printed, it also states where they have branch offices. There is a New York office situated at 270 Madison Avenue; the Washington Bureau is the National Press Building; the Chicago Bureau is 360 North Michigan Avenue; the Detroit Bureau is 8-241 General Motors Building; the St. Louis Bureau is the Globe-Democrat Building; and now, mark you this, the European Bureau is 16 Regent Street, London; and the Paris Bureau is 13 and 15 rue Taitbout.

Now, if these gentlemen wish to conduct campaigns of foreign propaganda to incite the people of America against the form of government that they have over across the sea they ought to go over there; and I mean what I say, whether it be an American citizen who seeks to incite them, whether Russian, Jew, Italian, French, German, or whatever he may be—Englishman—if there is any American citizen on the shores of America of English extraction who does not agree with his government over in England, let him go over there and spread his propaganda and not use the shores of America as a base of his propaganda.

If there is any German-American citizen, of German descent, who does not like the manner in which Hitler

is running the country over in Germany, let them go over there and spread the propaganda. If there is an American citizen of Italian extraction in this Commonwealth who does not like the manner in which Mussolini is governing his Italy, let that Amercan citizen go over there and spread his propaganda.

I say that, Mr. President, because I feel that here in America I would oppose with all the manhood that is in me any effort from a foreign country to issue propaganda intended to effect the functioning of our government here in America; and I would tell the German, the Italian, the Russian, the Frenchman and Englishman that they have no right—

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the gentleman from Fayette, Mr. Cavalcante, is not talking on the bill. This is a bill to amend an Act here in America and not in Germany.

Mr. CAVALCANTE. Mr. President, I am speaking on the bill—I am speaking rightfully on the bill—I am talking about this innocuous propaganda that is being spread through the newspapers, which this bill, if enforced, might prevent; but if it is repealed it will open the door further for this propaganda.

Mr. President, this bill may appear harmless to some of you; but not to many of us who believe that this country ought to remain free of foreign entanglements; and the best way to remain free of foreign entanglements is to see that no body of individuals of any particular racial or religious extraction uses the shores of America as a base of propaganda to incite the American mind against any foreign government.

This bill ought to remain on the statute books and it ought to be enforced and the newspapers have no right to demand amnesty at the hands of this Assembly at this time, during these perilous days that we are living in, when there are so many rumors of war and so much agitation aimed at racial and religious prejudice.

Mr. President, I intend to vote against this bill to repeal. I do not care how the other members of this Assembly vote, but I am going to vote against it because I have served my nation as a soldier, I have bled for it, and I think we ought to strengthen our laws in this regard and not weaken them. We ought to strengthen our laws to prevent the use of our shores for the purpose of propagandizing against governments that are in friendly relations with the United States of America; and I mean that, Mr. President, whether the indivndual is Italian, German, Jewish, English, a Spaniard, or a Frenchman—if they do not like the way those governments are conducted over there let them go over there and raise their voices and not stand on the shores of America and do it.

Mr. REED. Mr. President, freedom of the press has always been sacredly guarded and protected by the American people. That, no doubt, has been done because it has been provided in these Bill of Rights. Our fathers early saw the power of public opinion, our forefathers early saw the power of the press and the press today is as it was then, a very powerful instrument. It may be an instrument for good and it can be an instrument for evil and in order that we, the people, may be protected against newspaper propaganda injurious and detrimental to our rights, I believe that this Act of 1907 was passed.

Now, this Act has been on the statute books from 1907 down to the present time. If it has been a bad statute why has it not been attacked many years ago? It only provides that those who published a newspaper disclose who the officials are and who the editor is. Now, that is for the purpose of protecting the American public. I have never been against any law that would drag out in the open things that the people should know, and if a person or a group of persons are publishing a newspaper which goes into the American home, I say that that home and all other homes have a right to know who owns and who publishes that paper.

Now, I think from reading the Act of 1907 that that is all that is required, and I can see no reason why this Act should be repealed. No person in America should be ashamed of what he says or what he prints—that is the American way. I have a right to my opinion—you have a right to your opinion—the editor of a paper has a right to his opinion—but if that opinion is injurious to anyone that person who is injured has the right to know that fact.

Now, my friends, the power of the press to-day is perhaps greater than it ever was since the beginning of time, and I agree with the gentleman from Fayette in this particular, that this statute should not be repealed at this time and I propose, Mr. President, to vote against the repeal of this statute at this time.

Mr. SHAPIRO. Mr. President, this bill has no place on this calendar because we have got more important legislation. .However, I do not see that important legislation on the calendar. This bill was born not with any idea to protect America or American citizens. Exactly thirty-two years and six days ago this bill was passed because we had a Governor in Pennsylvania, Governor Pennypacker, who did not like what the North American said about him—that paper was published in Philadelphia. I still remember Exhibit "A", which was all over the papers in the form of an eagle that depicted the Governor in such a way he did not like.

The Republicans at that time needed the help of the Governor, and the Governor said he was not going to do anything unless they helped him put this paper out of business; and they got together hurriedly one day and passed some sort of a bill to satisfy him. They got to talking about this bill and tried to restrict the papers and then they found there was something like freedom of the press and because of this terrible thing that the Governor sent along to the House, this bill to shoot, kill, main and to do something to the editors of newspapers, this Act of 1907 arose—nothing more or nothing less. Nobody was concerned about freedom of the press and nobody was concerned about the citizenry. It was just to satisfy the Governor; and the Republicans showed them, as they do now, that they could not take it.

This Act of 1907, if taken off the statute book, will not pervent anybody from knowing who the editors and publishers of a newspaper are, because under the Federal law they must file with the post office department a list of its publishers, owners, directors, and stockholders, because under the Federal law those publishers who use the United States mails, must file with the post office department a list of the publishers, owners, directors, and stockholders. What has happened here, I suppose, is that this bill goes a little too far into the necessities of a situation,

that requires the secretary, editor, some managers, and probably some minor officials—nobody has violated the spirit of the Act because in any paper you will find the names of the publishers and the president; but you may not find the names of the minor officers, and a fine of one hundred dollars a day for failure to complete the list seems almost foolish.

I understand, also, there is being prepared another bill to take the place of this one which will be a reasonable bill, and which we will pass without the venom.

I am going to vote for the bill; I do not think it will do any harm, nor will it prevent the information that is necessary being had.

I would like to see a bill providing that all those scandalous circulars we get and all the scurrilous information that is published and thrown in the doors of the home, and mailed to us and everyone else, without the name of the sponsor on it, should be subject to such an Act—that when this Act is drawn it should include publications of all matters.

I am in favor of freedom of the press as long as they have the courage of their convictions and put their names to it; and so, when you draw this new bill, I suggest that you include not only newspapers—because all of us know, as a matter of fact, that they talk about us—sometimes they say nice things about me and sometimes they do not, but I figure I have got to take it because I am in public life and because I am trying to do my duty, and if I do a wrong thing they ought to tell me about it and they should tell the people about it; but they should not run away with themselves; and I would like to see them put their names on anything they print and not say anything that is false. If anybody sends me a letter all I ask is that they express their opinions frankly and fairly and sign their name to it. The repeal of this Act is not going to hurt us. We can always get information any time we want from the postoffice, and I am going to vote for this bill.

Mr. SIPE. Mr. President I intend to vote against this bill. I live in the western part of the State, and if the newspapers published in Philadelphia should libel me I would hate to have to travel down to Philadelphia to consult the records of the Prothonotary's office to see who owns the newspaper, or I would hate to have to go down to Washington and spend a couple of days to get the information from the Post Office Department. It appears to me that a newspaper which is desirious of concealing its ownership is in the same class as the writer of an anonymous letter. It appears, in fact, that the principal argument advanced for the present bill is that a newspaper or two has violated the Act of 1907 and thrown themselves subject to prosecution and fine. They do not like the law.

Let me repeat a familiar line and say that "no criminal ever felt the halter draw with good opinion of the law." Let me quote another line that I think is applicable to a newspaper that wants to keep its ownership in the dark, does not want to disclose to its readers, whoever they may be, who are in it—that line is, "they love darkness rather than the light because their deeds are evil." Such newspapers, at least throw themselves liable to such implications.

Something has been said about freedom of the press. It is true that in America we do have freedom of the press so far as the laws are concerned, but I have been thinking for the last few weeks that there is another sense in which there is considerable lack of freedom of the press in Pennsylvania.

I have been attending the meetings of the committee that is investigating the milk situation in Pennsylvania. I find testimony being given at those meetings that if given publicity over this State would cause such a revulsion of feeling among the people of Pennsylvania that the farmer would not have to wait very long to get the justice that is due him in this milk situation. I find that very little of this testimony showing the dreadful plight of the farmers in Pennsylvania, the milk producing farmers who are headed toward bankruptcy—very little testimony showing their situation is given publicity by the great metropolitan press of Pennsylvania; and I am inclined to believe that the reason is that the metropolitan press fears the big milk monopoly advertisers. I think that is a very fair inference to draw, and so, for that and other reasons that I have advanced, I intend to vote against this bill.

As my colleague from Fayette has well said, take the Act of 1907 off the statute books, and it will be entirely possible, relatively easy, for the reddest Red from Soviet Russia to start a newspaper here in Pennsylvania, and publish it, spread this poisonous propaganda against our form of government, and we would not know who he is unless we travel down to Washington to find out.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair permit himself to be interrogated?

Mr. MALLERY. Yes, Mr. President.

Mr. CAVALCANTE. Mr. President, did I understand the gentleman to say that there is another bill introduced to provide for newspapers to publish on the editorial page the names of the owners and other officers?

Mr. MALLERY. Yes and other officials, Mr. President. There is. I would also suggest to the party that has that bill, who contemplates drafting that bill that he also include circulars and any such articles as the Senator from Philadelphia commented on.

I would call to the attention of the Senator from Fayette, by the way, in regard to circulars, that the Act of May 16, 1929, defines a newspaper as a publication which must be issued for six months before any of the laws applicable to the newspaper apply, so in the drafting of such a bill I think it should be made more comprehensive, it should be made to include such circulars as the Senator from Philadelphia enumerated.

Mr. CAVALCANTE. Mr. President, I could easily vote for the repeal of the present Act, that is, I could vote for the bill that is under discussion, if there was any legislation, as indicated by the gentleman from Blair, introduced; and I will assure the gentleman from Blair that I will vote for the repeal of the present Act if such a bill is introduced, but may I ask the gentleman from Blair if he does not think it is the proper thing just to place this bill on the postponed calendar until the proposed legislation is drafted and introduced, so we may see the color of its hair—the expression used by the gentleman from Armstrong.

Mr. MALLERY. Mr. President, in reply to the Senator from Fayette, I would say the present law on the statute books, the Act of 1907, neither enlarges nor abridges the freedom of the press. I believe the present law was

enacted at the instance of the newspaper people of Pennsylvania themselves, and has always been complied with in spirit; but the exact letter of the law has not been complied with by any paper, certainly not by the two leading papers in Pennsylvania, the Philadelphia Inquirer and the Philadelphia Record.

Mr. CAVALCANTE. Mr. President, would the Senator from Blair, Mr. Mallery, object, then, to placing this bill on the postponed calendar?

Mr. MALLERY. No, Mr. President. It is a vicious law, and I am in favor of its repeal.

Mr. CAVALCANTE. Mr. President, is the Senator from Blair afraid of the propaganda of the press?

Mr. MALLERY. Mr. President, I am not afraid of its propaganda or any other kind of propaganda.

Mr. CAVALCANTE. Will the gentleman from Blair assure us that that bill will be introduced?

Mr. GELDER. Mr. President, if the gentleman from Fayette will allow me to intervene, I will assure him that a bill has been prepared, and that the Senator from Montgomery, Mr. Edmonds, had it in his possession, but in looking the bill over it looked to me as though it would lead the papers into the same sort of a situation that they were in in the old one; and I suggested that he make certain amendments, which he said he would make, and undoubtedly it will be introduced tomorrow.

As was stated by the Senator from Philadelphia, Mr. Shapiro, the present bill the fine attached to the present bill, is certainly excessive—one hundred dollars a day. It was probably conceived in malice. There is no responsible newspaper that desires to conceal its identity. Every newspaper in Pennsylvania, that I know anything about, carries the name of the publisher at the masthead. It does not always carry all of the individual officials of the company, nor do I think that is necessary. If the bill provides, in the case of an incorporated newspaper, that it carry the incorporated name and the principal officer, like the president, that is, then, enough; and then it may go on as the ordinary newspaper does, that is, giving the managing editor, the city editor, the business manager and the advertising manager, the executives of the newspapers in which the people are interested.

I assure the Senator from Armstrong, Mr. Sipe, that it will not be necessary for him to go down to Washington to find out the name of the owner of a paper published in his territory. All he has to do is, go to the local post office, because if it is a newspaper and has second-class mail facilities, the newspaper must swear to some responsibility and some responsible official of the company or newspaper must swear to the ownership down to the stockholder who owns only one per cent, and must also give a list of the names of all the bondholders; and two copies of that are filed with the local postoffice—one to go to the department at Washington and the other to stay there in the postoffice, where I am sure the Senator will be able to get the information if he wants it.

There certainly is not anything about the repeal of this bill that the newspapers of Pennsylvania—and personally I am not concerned in the bill—but there is nothing about it that anybody on the floor of this Senate need be disturbed about.

And I want to say, too, to the Senator from Fayette, Mr. Cavalcante, that these fly-by-night publications can, as they often do over in China, get a ghost character as their editor, and very often they do; and those papers that are not entitled to second-class mail facilities—and they are usually the kind that are stabbing the characters of people in the back, do not have to carry the names of any responsible people at the head, and neither would they have to under this legislation.

QUESTION OF LEGISLATIVE INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of legislative inquiry.

Mr. OWLETT. Mr. President, was the motion to place this bill on the postponed calendar seconded?

The PRESIDENT. It has not been as yet, to my knowledge.

Mr. CAVALCANTE. Mr. President, I second the motion.

MOTION THAT MOTION TO PLACE ON POSTPONED CALENDAR BE LAID ON THE TABLE

Mr. OWLETT. Mr. President, I move that the motion to place this bill on the postponed calendar be laid on the table.

Mr. MALLERY. I second the motion.

Mr. SHAPIRO. Mr. President, let us vote on the motion.

The PRESIDENT. It has been moved by the Senator from Tioga, Mr. Owlett, and seconded by the Senator from Blair, Mr. Mallery that the motion to place this bill on the postponed calendar be laid on the table.

Mr. REED. Mr. President, I propose to speak on the bill.

The PRESIDENT. Proceed.

MOTION FOR THE PREVIOUS QUESTION

Mr. OWLETT. Mr. President, I move the previous question.

Mr. WOODWARD. Mr. President, I second the motion.

Mr. HOMSHER. Mr. President, I second the motion.

Mr. MILLER. Mr. President, I second the motion.

Mr. GELTZ. Mr. President, I second the motion.

Mr. MALLERY. Mr. President, I second the motion.

The PRESIDENT. The previous question has been moved by the Senator from Tioga and seconded by the Senator from Blair, Mr. Mallery, seconded by the Senator from Philadelphia, Mr. Woodward, seconded by the Senator from Lancaster, Mr. Homsher, seconded by the Senator from Allegheny, Mr. Geltz, and also by the Senator from Luzerne, Mr. Miller, and others.

Mr. REED. Mr. President, has it come to such a pass in this Senate where you are going to shut off debate?

The PRESIDENT. The motion has been made to put the previous question, and it has been regularly moved and seconded, and the Chair can only state the motion as it was put.

Mr. REED. Mr. President, I will speak at greater length tomorrow on the same question.

The PRESIDENT. The question is shall the previous question prevail?

The yeas and nays were required by Mr. Shapiro, and were as follows, viz:

YEAS—27

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

NAYS—18

Cavalcante,	Haluska,	McCreesh,	Ruth,
Coleman,	Jaspan,	McGinnis,	Shapiro,
Dent,	Kilgallen,	Reed,	Sipe,
Frey,	Kunkel,	Rice,	Stiefel,
Gilson,	Lanius,		

So the question was determined in the affirmative.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, I would like to know whether newspaper publishers or owners are permitted to vote on this particular bill? As an owner, publisher and so forth may I be permitted to vote on the bill.

The PRESIDENT. The Chair rules that that is a foolish question.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Gilson,	Miller,	Stiefel,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Rice,	Walker,
Ealy,	Jaspan,	Ruth,	Wolfenden,
Edmonds,	Kunkel,	Scarlett,	Woodward,
Eroe,			

NAYS—8

Cavalcante,	Haluska,	Lanius,	Reed,
Frey,	Kilgallen,	McCreesh,	Sipe,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 703, on third reading, entitled:

An Act giving landlords a preference where goods are sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent

be recommitted to the Committee on Judiciary General.

Mr. SHAPIRO. Mr. President, I second the motion.

I have received a number of requests and I have also read this bill over carefully, and I think this bill requires a little more consideration than it has received. I should like to move that it be sent back to committee for the purpose of a public hearing.

Mr. MALLERY. Mr. President, that is what I intended to do.

Mr. SHAPIRO. Mr. President, I will give the honor of making that motion to my friend from Blair, and I will be glad to second it.

BILLS RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 703, on third reading, be recommitted to the Committee on Judiciary General for the purpose of a public hearing on May 10, 1939 at 8:00 p. m.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 756, on third reading, entitled:

An Act providing for the appointment of an acting president judge in any court of the Commonwealth having more than one law judge

be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. REED. Mr. President, I second the motion.

I was just about to call the attention of the sponsor again to the question of the constitutionality of this bill. I doubt very much, under the amendments to the Constitution relating to courts in Allegheny county, passed in 1911, whether this bill is constitutional.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that Senate Bill No. 758, on third reading, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills for indictment ignoramus unless a resubmission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 782, (House Bill No. 964), entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine nine hundred thirty-six (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to amend Section 14, Page 2, Line 23, by adding after the word "agencies" and before the word "to" the following: "with the approval of the Board"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 792, entitled:

An Act to amend sections three hundred ten and three hundred eleven of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild animals and amending revising consolidating and changing the law relating thereto" by providing for monthly returns and payments by issuing agents

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Monroe, Mr. Crowe.

The PRESIDENT. Will the Senator from Monroe, Mr. Crowe, permit himself to be interrogated?

Mr. CROWE. I will, Mr. President.

Mr. SHAPIRO. Mr. President, it is the intent of this bill to change the weekly report to a monthly report; is that not right?

Mr. CROWE. That is right, Mr. President.

Mr. SHAPIRO. Mr. President, what is the purpose of changing it back again to weekly in another form?

We might just as well make the rest of the reports weekly reports; isn't that correct? I thought that this was for the purpose of saving time and money, by making monthly reports. Now, as I follow the amendment, it will make them weekly reports.

Mr. CROWE. Mr. President, all I can say is that the amendments are submitted at the request of the Department of Revenue. They requested that the original bill be put in, and then they changed it around, and this is the change offered.

Mr. SHAPIRO. Mr. President, I can imagine that the Department of Revenue wants to keep a copy of these reports; but certainly, Mr. President, they know that this is known as a monthly report bill, but if that is changed to weekly again perhaps the Senator from Monroe can tell us how that will conform to the purpose of the bill.

Mr. CROWE. Mr. President, May we have the clerk read the amendment again?

The Clerk again read the proposed amendments

BILLS OVER IN ORDER

Mr. CROWE. Mr. President. I withdraw my amendments, and ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, Mr. President, I ask unanimous consent that Senate Bill No. 794, on third reading, entitled:

An Act to further amend sections two hundred twenty-three two hundred twenty-four and two hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundaries lakes boundary rivers of the Commonwealth" by providing for monthly returns and payments by issuing agents.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 795, entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution to trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property; conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 796, entitled:

An Act to amend section nine of the act, approved the twenty-second day of December, one thousand nine hundred thirty-three (P. L. 108), entitled, "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River, and the issuance of permits therefor," by providing for the assignment of such permits in certain cases, and making further provisions with respect to the collection of tolls.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey.	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska.	Miller.	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 835, (House bill No. 732), entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs, incorporated towns, and townships of the first class by the act approved the thirty-first day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 168), in so far as the same relates and applies to boroughs, incorporated towns and townships of the first class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	Mallery,	Stiefel,
Crowe,	Geltz,	McCreesh,	Tallman,
Dando,	Heyburn,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
DiSilvestro,	James,	Scarlett,	Wolfenden,
Ealy,	Jaspan,	Shapiro,	Woodward,
Edmonds,	Lanius,	Snowden,	

NAYS—15.

Cavalcante,	Frey,	Kunkel,	Rice,
Coleman,	Gilson,	McGinnis,	Ruth,
Dent,	Haluska,	Miller,	Sipe,
Eroe,	Kilgallen,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 929, on third reading, entitled:

An Act to further amend sections one thousand two hundred one one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes substitutes and temporary employes and further regulating the employment dismissal suspension demotion and retirement of such employes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, this bill and the next bill are two bills which relate to the school situation in Pennsylvania. I am going to ask that these bills go over in their order but I want to take this opportunity of saying that there will have to be a better understanding of the situation between the members of the Senate and the school teachers or we will find ourselves involved in a situation from which we cannot extricate ourselves.

These are very serious times for school districts and at the same time they are serious for school teachers, but the kind of propaganda we are getting will not be helpful. I have the interest of all school teachers at heart but I am also concerned with the financial situation of the schools.

On Saturday, before this bill was printed and before I had a copy of it, I was visited by a group of school teachers who told me the bill was no good. When I asked them about the bill and what the bill provided, they did not know what the bill provided. They had the wrong idea. Just because there is a bill affecting teachers' tenure does not justify an avalanche of complaints; but, certainly, fair and intelligent discussion is necessary if we are to pass constructive legislation; and I want to place myself on record now—and I am sorry more of the school teachers who sent me notes and said they wanted to see me are not here; but to those who are here I will say I wish they would take the message back home that I am interested in the teachers and the schools both and I will give my ear to both sides, but I want both sides to be fair about the matter. The bill has not been on the calendar sufficiently long to permit everybody to understand it, and therefore I, too, am asking that this bill go over in its order for the purpose of giving the teachers and everyone else interested an opportunity to study it carefully and with a fair and open mind, so we can meet this subject and deal with it properly.

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 930, on third reading, entitled:

An Act to further amend section four hundred four of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 216, (House Bill No. 115), on third reading postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate bill No. 216, (House bill No. 115), entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, This bill has been on the postponed calendar for a long time. It is the bill that permits the District Attorney to call secret witnesses before a grand jury and take their testimony and keep the defendent in the case from knowing who the witnesses are.

Now, I think this is a very grave departure from the Anglo-Saxon idea of trial by jury and the right of the defendent to know who his accusers are, who the witnesses are, so that he may prepare his defense to the charges that are preferred against him; and I think that this bill is very ill-advised at this time and ought not to have been on the calendar at all.

Mr. SHAPIRO. Mr. President, I can still hear ringing in my ears the cries on the other side at the last session of this Legislature that when we start interfering with the grand jury system we were breaking down the Constitution.

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, I move that this bill be recommitted to the Committee on Judiciary General.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 280, (House Bill No. 351), on third reading, postponed.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that Senate Bill No. 280, (House Bill No. 351), on third reading, entitled:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator

be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 281, (House Bill No. 352), on third reading, postponed.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 281, (House Bill No. 352), on third reading, entitled:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 289, (House Bill No. 282), on third reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President. I ask unanimous consent that Senate Bill No. 289, (House Bill No. 282), on third reading, entitled:

An Act to repeal the act approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (P. L. 575), entitled 'An act providing for the joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river, authorizing the Governor for these purposes to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 294, (House Bill No. 443), on third reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 294, (House Bill No. 443), entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 340, (House Bill No. 172), on third reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 340, (House Bill No. 172), on third reading, postponed, entitled:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to the matter to be printed in the Legislative Journal

be recommitted to the Committee on State Government for the purpose of further study.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 459, on third reading postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 459, entitled:

An Act relating to the recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Eroe,	Jaspan,	Ruth,
Chapman,	Farrell,	Kilgallen,	Snowden,
Coleman,	Frey,	Letzler,	Stevenson,
Crowe,	Gelder,	Mallery,	Stiefel,
Dando,	Geltz,	McGinnis,	Tallman,
Deitrick,	Gilson,	Miller,	Thomas,
DiSilvestro,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Rice,	Woodward,

NAYS— 6

Cavalcante,	Haluska,	Lanius,	Shapiro,
Dent,	Kunkel,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 761, on third reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 761, entitled:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Frey,	Lanius,	Scarlett,
Cavalcante,	Gelder,	Letzler,	Shapiro,
Chapman,	Geltz,	Mallery,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Miller,	Stiefel,
Deitrick,	Homsher,	Owlett,	Tallman,
DiSilvestro,	James,	Pierson,	Thomas,
Ealy,	Jaspan,	Reed,	Walker,
Edmonds,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,
Farrell,			

NAYS 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 443, (House Bill No. 498), on second reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 443, (House Bill No. 498), on third reading, entitled:

An Act to amend sections two and five of the act, approved the first day of July, one thousand nine hundred nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," further regulating the term of office of such officers and employes.

be recommitted to the Committee on State Government for the purpose of further study.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 772, (House Bill No. 1064), on second reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that Senate Bill No. 772, (House Bill No. 1064), on second reading, entitled:

An Act to repeal section eight of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of the Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employes, and providing for their compensation and mileage; providing for the making of an appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation, printing, binding and distribution of the Separate Journal of the House of Representatives.

be recommitted to the Committee on State Government for the purpose of further study.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 160, entitled:

An act to amend the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, further regulating the taking of fish from inland waters and the possession thereof; changing the fee for securing a duplicate fishing license upon loss of the original, and the requirements as to giving notice of closing waters to fishing by the board; providing additional penalties; and authorizing and regulating the acquisition, use, control, leasing, sale and exchange of property by the Board of Fish Commissioners, and of rights in or relative to, and the products of such property.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 376, (House Bill No. 74), entitled:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto" as amended, providing for the

appointment, the term and compensation of county detectives in counties of the fifth and sixth class.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 474, entitled:

An Act to amend a part of section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged bv justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases", providing for the payment of costs in dismissed summary conviction proceedings by the prosecutor or defendant or partly by each.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 560, entitled:

An Act providing for a uniform compensation to fire insurance agents and brokers, prohibiting additional compensation in any form and providing remedies to such agents or brokers as may be effected by departure from such uniform compensation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Mr. CAVALCANTE. Mr. President, I wish to call the attention of the clerk to an error that appears on pages 18 and 19 of the calendar so that it may be corrected tomorrow. The bill on page 18 which is marked "Senate Bill 749, Printer's No. 149"—the title there is not the title of Senate Bill 749, Printer's No. 149; they have these titles interchanged here.

The PRESIDENT. The clerk will make the corrections.

Mr. MILLER. Mr. President, my attention has just been called to the fact by the Senator from Fayette, and I will see to it that the same is corrected tomorrow.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, May 9, 1939, at 3:00 o'clock, p. m., E. S. T.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m., until Tuesday, May 9, 1939, at 3:00 o'clock, p. m., E. S. T.

HOUSE OF REPRESENTATIVES

MONDAY, May 8, 1939.

The House met at 8 a. m.
The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Almighty God, "When we consider Thy heavens, the work of Thy fingers, the moon, the stars which Thou hast ordained, what is man that Thou art mindful of him?" Yet we are the constant object of Thy love and care. All our days are in Thy hands. Since Thy love and wisdom are inexhaustable, grant unto these, Thy servants of state, the blessings of divine guidance and the assurance of heavenly approval. We ask not that Thou would make them great, but, O Father, do make them good. May they possess the three great requisites of American citizenship, to wit: reverence for God, love for all mankind, and honor for the state. Impress upon their heart and mind with indelible emphasis that truth can never fail, and that all good works are immortal. Speak, Lord, for Thy servants are listening. We ask it through Christ, our Saviour. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Friday, May 5, 1939.

The Clerk proceeded to read the Journal of Friday, May 5, 1939, when, on motion of Mr. GILLAN the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 198. (HOUSE BILL No. 1473).

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds or other obligations of corporations when such mortgages bonds or obligations contained minor defects.

Referred to the Committee on Judiciary General.

SENATE BILL No. 476. (HOUSE BILL No. 1474).

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class and second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street imporvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulatng the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Jeannette.

Referred to the Committee on Highways.

SENATE BILL No. 591. (HOUSE BILL No. 1475).

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of

real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" by extending the jurisdiction of the orphans' court to include partition proceedings between heirs of a deceased co-tenant and the surviving co-tenant.

Referred to the Committee on Judiciary General.

SENATE BILL No. 612. (HOUSE BILL No. 1476).

An Act to regulate the acquiring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth.

Referred to the Committee on Welfare.

SENATE BILL No. 743. (HOUSE BILL No. 1477).

An Act to amend subsection VII of section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferrring certain powers and duties on the Department of Banking and providing penalties" permitting such credit unions to invest funds in loans to other credit unions.

Referred to the Committee on Banking.

SENATE BILL No. 816. (HOUSE BILL No. 1478).

An Act to amend the act approved the sixth day of April one thousand nine hundred and thirty-nine (Pamphlet Laws Act No. 4-A) entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in the cooperation with the Federal Beach Erosion Board" by increasing the amount of the appropriation and authorizing the Department of Forests and Waters to accept reimbursements from the United States Department of War

Referred to the Committee on Appropriations.

SENATE BILL No. 824. (HOUSE BILL No. 1479).

An Act reappropriating to the Bituminous Coal Study Commission the unexpended balance of money heretofore appropriated thereto.

Referred to the Committee on Appropriations.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 363

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg May 4, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 363, Printer's No. 350, entitled "An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 603) entitled 'An act concerning conditional sales and to make uniform the law relating thereto' by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 318.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 318, Printer's No. 543, entitled, "An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled 'An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation' as previously reenacted and amended by eliminating ground rents from list of taxable personal property defining clarifying and limiting certain exemptions exempting from the taxes imposed by the said act property held by executors and administrators of the estates of non-resident decedents property held by trustees for certain resident and non-resident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or nonprofit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 375

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 375, Printer's No. 169, entitled, "An Act to amend paragraph (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duies liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and

administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents,' as amended, by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents to foreclose on mortgages to enter judgment on mortgage bonds to sell the property bound thereby to take title to property so sold and to resell such property"

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 376

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 376, Printer's No. 95, entitled, "An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof"

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 610

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 610, Printer's No. 378, entitled, "A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven' by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin"

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 317.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 317, Printer's No. 406, entitled, "An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled,, as amended, 'An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties,' as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; changing the method of ascertaining the net income of insurance companies, exempting title insurance companies; and making certain changes in the method of ascertaining taxable net income and in the procedure for the collection and adjustment of the tax.

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 354

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 354, Printer's No. 76, entitled "An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled 'An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom' re-

quiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him"

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 312, 313, 314, 315, 316, 319, AND 575

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg May 4, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

House Bill No. 312, Printer's No. 79, entitled "An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six (Pamphlet Laws thirteen) entitled 'An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board' as previously re-enacted and amended by extending the provisions thereof for a further limited period of time."

House Bill No. 313, Printer's No. 80, entitled "An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled 'An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled "'An act to provide for the incorporation and regulation of certain corporations approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini, one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies' by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time."

House Bill No. 314, Printer's No. 81, entitled, "An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons."

House Bill No. 315, Printer's No. 82, entitled, "An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled 'An act to provide revenue by taxation' by increasing the rate of tax for a further limited period of time.'"

House Bill No. 316, Printer's No. 83, entitled, "An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled 'An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the genertaion of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation' by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time."

House Bill No. 319, Printer's No. 86, entitled, "An Act to reenact and amend the title and the act a approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, 'An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined, requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties,' as previously reenacted and amended, by extending the provisions of the act for a further limited period of time."

House Bill No. 575, Printer's No. 481, entitled "An Act authorizing the Commonwealth to negotite temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectable and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto for the payment of interest on and the repayment of such loans and making an appropriation."

ARTHUR H. JAMES.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

BANKING

A resolution from the Philadelphia Clearing House Association of Philadelphia opposing legislation providing for the closing of banks on Saturday.

Referred to the Committee on Banking.

REPORTS FROM COMMITTEES

Mr. STOCKHAM from the Committee on Appropriations reported as committed, House Bill No. 385, entitled:

An Act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation for the expenses of such commission.

Mr. IMBRIE from the Committee on Appropriations rereported as committed, House Bill No. 724, entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth; conferring powers and imposing duties on the Superintendent of Public Instruction; and making an appropriation.

Mr. YEAKEL from the Committee on Rules reported as committed Senate Concurrent Resolution No. 1.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 703, entitled:

An Act to amend section five hundred thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the publication of certain notices relative to the preparation of budgets in school districts of the first class

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1126, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts fixing a maximum salary for the executive director of the commission further revising the provisions of said act relating to license tags the hunting privileges of certain minors the hours and seasons open for and lawful methods of hunting and trapping the possession and transportation of game fur-bearing animals and firearms hunting big game by groups and certain regulatory powers of the commission authorizing the establishment of wild life refuge projects by sportsmen's organizations and changing penalties

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1221, entitled:

An Act relating to the Anthracite Industry creating the Pennsylvania Anthracite Commission establishing its jurisdiction powers and duties providing for an Anthracite Producer's Advisory Board regulating the production and marketing of anthracite within the Commonwealth assigning production quotas to producers of anthracite fixing minimum prices for the sale of anthracite by producers; prescribing standards of sizing purity and grading for anthracite levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite and the development of anthracite burning devices and additional uses for anthracite eliminating unfair discriminaton in wage and hour standards in anthracite mining operations authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite providing for the licensing of anthracite producers and for the granting refusal suspension and revocation of such licenses providing for appeals to the courts of the Commonwealth from the orders of said Commission creating a special fund in the State Treasury into which the taxes fees fines and penalties arising under the Act are to be paid appropriating the monies in said fund and making a temporary appropriation to said fund: and providing penalties and remedies for violations of the provsions of the Act and the rules regulations and orders of the Commission.

And said bill having been read at length the first time.

Ordered. To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 926, entitled:

An Act to amend clause (a) of section two thousand five hundred and four A as added to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administratve departments boards and commssions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" changing the definition of "employe" in the civil service provisions for the Department of Public Assistance so as to exclude certain employes of local boards.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1355, entitled:

An act to repeal article eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carrier by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authoriz-

ing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and order of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by eliminating contract carriers from the provisions of the act.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 936, entitled:

An Act to amend section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended giving the board additional powers relating to the removal and relocation of gas water and telephone lines highways railroads and other facilities and the payment of costs and damages incident thereto.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 785, entitled:

An Act to amend Sections three hundred one and four hundred one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) known and cited as the "Public Utility Law" by further limiting the control and regulation of the Commission in respect to rates service and extensions by municipal corporations.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceed to the second reading and consideration of House Bill No. 1208, as follows:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collectng such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providng revenue to establsh and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the first day of December one thousand nine hundred and thirty-eight (Pamphlet Laws one hundred three) is hereby further amended and re-enacted to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following

The board of school directors thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district which said tax shall be ascertained determined and fixed by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system

Provided however That for the purpose of computing the amount required to pay the minimum salaries and increments fixed by law but without otherwise limiting the rights of the district to employ teachers or other employees the number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty-two pupils in averge daily attendance in such schools the number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools the number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools

The number of principals in the elementary schools shall not exceed one for every six hundred pupils in average daily attendance in such schools and the number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily attendance in such schools

The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily attendance

The number of attendance officers and home and school visitors shall not exceed one for every two thousand pupils in average daily attendance in all elementary and secondary schools

In all adult and extension school classes the number of teachers shall not exceed one for every twenty pupils in average daily attendance in such schools

Average daily attendance as used herein shall be based upon attendance during the preceding school term

(b) An amount sufficient to pay the interest on and retire at maturity the principal of the indebtedness of said district incurred as authorized by law

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount shall be equivalent to not less than three nor more than three and one-half mills on the dollar of the total assessment of all property assessed and certified for taxation therein

[Provided however That no school district of the first class shall levy a tax for the fiscal year of one thousand nine hundred and thirty-nine in excess of one mill over the one thousand nine hundred and thirty-eight tax levy in said school district Provided That thereafter no school district of the first class shall levy a tax in excess of its one thousand nine hundred and thirty-eight tax levy]

Section 2 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdicton the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 419, as follows:

An Act to further amend the definition of "peace officer" in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal clams registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providng for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" to include members of the General Assembly and other elected State officers and vesting them with authority of arrest

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "peace officer" in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfetures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by section one of the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * * *

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania Motor Police or other police officer vested with authority of arrest and any member of the General Assembly or other elected State officer who for the purposes of this act are hereby vested with authority of arrest

Section 2 This act shall become effective immediately upon the final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FINNERTY. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 187, as follows:

An Act to amend section five hundred and one of the act approved the first tday of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certan costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by requiring extra fees for the assignment of special registration plates

The General Assembly of the Commonwealth of Pennsylvana hereby enacts as follows

Section 1 Section five hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles

and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the dispostion of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 501 Registration Plates to be Furnished by Department

(a) The department shall furnish to every owner whose motor vehicle is registered and for each registration applied for by a manufacturer jobber or dealer in motor vehicles trailers or semi-trailers two registration plates and to every owner of a registered trailer semi-trailer motorcycle or bicycle with motor attached and for each registration applied for by a manufacturer jobber or dealer in motorcycles or bicycles with motor attached one registration plate

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle the name of the Commonwealth which may be abbreviated the year number for which it is issued and any other identification the department may deem necessary The required letters and numerals on such plate or plates shall be not more than five (5) inches in height to be plainly legible from a distance of one hundred (100) feet during daylight except that the required letters and figures on motorcycle motorcycle dealer and bicycle with motor attached plates shall be not more than three and one-half (3½) inches in height

(c) Registration plates shall be assigned to each vehicle registered in the order in which applications for registration are received except the department may assign special as hereinafter provided to certain officers connected with the three coordinate branches of the government and the Pennsylvania National Guard if application is made therefor upon blanks furnished by the department and upon the payment of an extra fee of one ($1.00) dollar Such special plates shall have marked thereon in a color different from the other colors on such plate the intials of the christian name and surname of the person to whom issued and such plates may be issued to (a) the Governor the Lieutenant Governor the head and deputy of every executive and administrative state department and every member of an independent administrative board and commission and the executive secretaries thereof and the Superintendent and Deputy Superintendent of the State Police and shall have printed thereon the word "Executive" (b) members and officers of the Senate and House of Representatives and of the legislative branch of government and shall have printed thereon the word "Legislative" (c) judges of courts of record and shall have printed thereon the word "Judicial" (d) officers of the Pennsylvania National Guard above the rank of major and shall have printed thereon the words "National Guard" The department shall make a list of registration plates which it deems to be special number plates for which a demand exists and no plates on such list shall be issued before January first of the year for which issued except upon the application and payment of the fee as herein specified

[(c)] (d) It shall be unlawful to display on any vehicle an altered defaced or forged registration plate or for any person or any employe of the department to assign to any person any special registration plate prior to January first of the year for which issued unless application has been made therefor and the extra fee paid as provided in clause (c) of this section

Penalty Any person violating any of the provisions of sub-section [(c)] (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 2 The moneys collected under the provisions of this act shall be paid to the State Veterans' Commission and be used for the payment of the expenses of said commission and for the purpose of providing necessities of life or other assistance to needy Pennsylvania veterans or their dependents and for such purposes are hereby specifically appropriated to the State Veterans Commission

Section 3 This act shall be in force for registration plates issued for the calendar year one thousand nine hundred and forty and each year thereafter

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1400 (Senate Bill No. 138), entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 189, as follows:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the bureau or police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and all other agencies connected with police departments in counties except counties of the first class boroughs incorporated towns and townships maintaining a police force and accepting the provisions of this act creating a Civil Service Commission in each county except counties of the first class borough incorporated town and township defining the powers and duties of such Civil Service Commission imposing certain duties and expenses on said counties boroughs incorporated towns and townships imposing penalties and repealing inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Appointees in Police Departments in Counties Boroughs Incorporated Towns and Townships Placed Under Civil Service Hereafter all appointments to and promotions in the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and in all other agencies connected with police protection work in any county except counties of the first class borough incorporated town or township accepting the provisions of this act and maintaining a police force as hereafter defined shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided in this act

The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies

No person shall hereafter be appointed reinstated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

Section 2 Creation of Civil Service Commission Appointment of Commissioners Vacancies There is hereby created in each county except counties of the first class

city borough incorporated town and township which has accepted the provisions of this act in counties by the resolution of the commissioners thereof in boroughs and incorporated towns by resolution of the councils thereof in townships by resolution of the township commissioners or supervisors as the case may be and where a police force is being maintained a civil service commission herein after referred to as the commission Each commission shall consist of three commissioners who shall be qualified electors of the county or political sub-division for which appointed and shall be appointed to serve for the terms of two four and six years as follows

In the case of a county commission one by the Board of County Commissioners for a term of four years in the case of a borough commission one by the Burgess and Council for the term of four years in the case of a town commission one by the Burgess and Council for the term of four years and in the case of a township commission one by the township commissioners or township supervisors as the case may be for the term of four years and in the case of any and all of said commissions one by the majority of officers and employes of the Police Department of the county or political sub-division for which the commission is to be appointed for the term of two years and in the case of any and all of said commissions one by the two commissioners so appointed to serve for the term of six years

The members of each commission first appointed under the provisions of this act shall be so appointed within thirty days after effective date of this act Thereafter all appointments to the Civil Service Commission shall be for a term of six years

Any vacancies occurring in any commission for any reason whatsoever shall be filled for the unexpired term within a period of thirty days after such vacancy occurs Such vacancy shall be filled by the appointnig power which made the original appointment

Each Civil Service Commission created under this act shall be the Civil Service Commission for the county or political sub-division as the case may be with respect to the police bureau department or force thereof as provided in section one hereof

Section 3 Offices Incompatible With Civil Service Commissioners Political Activities Prohibited No commissioner shall at the same time hold any elective civil office under the United States Government the Commonwealth of Pennsylvania or any political sub-division of the Commonwealth No commissioner shall serve on any political committee or take part in the management of any political campaign

Section 4 Organization of Civil Service Commission Quorum The commission of each county or political subdivision first appointed shall organize within ten days of their appointment and shall elect one of their members as the chairman and one as the Secretary of the Commission Each commission shall thereafter meet and organize on the first Monday of each even numbered year All meetings shall be called through writing and each commissioner shall be notified of each and every meeting Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members

Section 5 Clerks to the Commission Office and Supplies The county or political sub-division as the case may be shall supply to the commission on its requisiton without extra compensation such clerical and stenographic assistance as may be necessary for the work of the commission and may in its discretion pay the compensation of a permanent stenographer-clerk to the commission The county or political sub-division as the case may be shall provide a suitable and convenient room or rooms furnished lighted and heated for the use of the commission The commission shall order from the county or political sub-division the necessary stationary postage printing or supplies and an official seal for its use and every such county or political sub-division shall aid the commission in all proper ways in carrying out the provisions of this act and shall allow the reasonable use of public buildings and shall light and heat the same for holding examinations and investigations

Section 6 Powers and Duties of Commission The commission shall prescribe adopt amend rescind and enforce rules and regulations for carrying into effect the provisions of this act Before any such rules and regulations are placed in force as to the county or any political sub-division affected the same shall first be approved by the county commissioners for the county the Burgess and Council for the borough the Burgess and Council for the incorporated town and the township commissioners or supervisors for the townships as each respective case may be When such rules and regulations have been so approved they shall not be annulled or changed without the approval of the commission and the county or political subdivision affected

In case of disagreement on any question coming before the commission and the county or political subdivision so affected such question or questions shall be submitted to an arbitration board which has no active interest in the police bureau department or force of the said county or political sub-division The board of arbitration consisting of three members shall be appointed by the president judge of the court of common pleas of said county The board of arbitration shall render a decision on all disputes coming to its attention within a period of thirty days and such decisions shall be final

If the officers given power to approve rules and regulations shall fail to take action within one calendar month from the date of submission to them then such rules and regulations shall become effective in the same manner as if they had been approved

Due notice of the contents of all rules and regulations and of any modifications thereof shall be given by mail to the appointing officers of the county or political subdivision and such rules and regulations or modifications thereof shall be printed for public distribution

Section 7 Minutes and Records The commission shall keep minutes of its examinations and other official actions

All recommendations of applicants for appointment received by the commission or by any officer having authority to make appointments to office shall be kept and preserved for a period of ten years and all such records (records of former employes excepted) and all written causes of removal filed by the commission shall be open to public inspection at reasonable hours and subject to reasonable regulation

Section 8 Investigations The commission shall have power to make investigations concerning all matters touching the enforcement and administration of the provisions of this act and rules and regulations prescribed hereunder concerning the action of any examiner or subordinate of the commission and in the course of such investigation each commissioner shall have power to administer oaths or affirmations and take testimony

Section 9 Subpoenas The commission shall have power to issue subpoenas under its seal and signature of the chairman and require the attendance of witnesses and the production of books records and papers pertinent to any investigation or inquiry authorized by this act and to examine them and such public records as it shall require in relation to any matter which it has authority to investigate

Witnesses obeying any subpoenas of the commission shall be entitled to the same witness fees and mileage as is prescribed for witnesses in the courts of the county and shall be paid from appropriations for incidental expenses of the commission

All officers in public service and their deputies clerks subordinates and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the commission or any commissioner the commission may apply to the court of common pleas of the county for a subpoena requiring the attendance of such person before the court there to testify and to produce any books records and papers

If any person shall refuse to obey any subpoena issued by the court in pursuance hereof he shall be subject to punishment for contempt

Section 10 Annual Report The commission shall make an annual report to the county commissioners or the political subdivision as the case may be setting forth its rules and regulations in force ad its suggestions for more ef-

fectual accomplishments of the purpose of this act Such report shall also contain a brief summary of its work during the year and shall be available for public inspection five days after the same shall have been delivered to the proper authorities of the county or political subdivision

Section 11 General Provisions Relating to Examinations All examinations for position or promotions in the police department of any county or political subdivision shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them All examinations shall be open to all applicants who have fulfilled the preliminary requirements of this act

Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission

Each applicant for a county examination shall have been a resident of the county for a period of five years and for a political subdivision examination shall have been a resident of the county for at least five years and of the political subdivision thereof in which he seeks to obtain employment at least two years prior to filing the application

Public notice of the time and place of every examination together with information as to the kind of position or place to be filled shall be given by publication in two newspapers published in said county at least two weeks prior to each examination

The commission shall adopt reasonable regulations permitting the presence of representatives of the press at examinations

The commission shall post publicly in its office the eligible list containing the name and grades of those who have passed the examination for positions under this act and shall indicate thereon such appointments as may be made from said lists

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission a formal application in which the applcant shall state under oath or affirmation

(a) His full name and residence or post office address

(b) His citizenship place and date of birth

(c) His condition of health and physical capacity for public service

(d) His business and employments and his residences for the past five previous years

(e) Such other information as may be reasonably required by the commission touching the applicant's qualifications and fitness for public service

Military service records shall be considered by the commission upon such application

Blank forms for such applications shall be furnished by the commission without charge to the person requesting the same

The commission may require in connection with the application for examination such certificates from citizens physcians and others having knowledge of the applicant as the good of the service may require

Section 13 Rejection of Applicants Hearings The commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible any one who is found to lack any of the established preliminary requirements for examination for the position or employment for which he has applied or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime or of infamous or notorious disgraceful conduct or who has been dismissed from public service for delinquency or misconduct or who has made a false statement of any material fact or practiced or attempted to practice any deceit or fraud in his application or in his examination or in establishing his elgibility or who refuses to comply with the rules and regulations of the commission

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person appoint a time and place where he may appear personally and by counsel Whereupon the commissioner shall then review its refusal to make such examination or certification and take such testimony as may be offered The commission shall subpoena at the expense of the applicant any competent witness requested by him

Section 14 Manner of Filling Appointments Every position or employment unless filled by promotion reinstatement or reduction shall be filled only in the following manner The appointing officer or officers of the county or political sub-division shall notify the commission of any vacancy in the police bureau department or force which he desires to fill and shall request the certification of a list of eligibles The commission shall forthwith certify from the eligible list the names of three persons thereon who have received the highest averages in the preceding examinations held under the provisions of this act within a period of one year next preceding the date of the request for such eligibles The appointing officer shall thereupon with sole reference to the relative merit and fitness of the candidates make an appointment from the three names certified in the order of their relative merit and fitness unless he makes objections to the commission as to one or more of the persons so certified for any of the reasons stated in section thirteen of this act Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed When there are a number of positions of the same kind to be filled at the same time each appointment shall nevertheless be made separately in accordance with the aforesaid procedure

The term "appointing officer" as used in this act shall be construed to mean the officer or officers or body in any county or political sub-division in whom is vested the power of appointment of paid employes in the police bureau department or force as defined in section one of this act

Section 15 Age Limits of Applicants For Examinations Exceptions For Former Employes No person shall be eligible to apply for examination unless he or she is more than twenty-one and not over fifty years of age at the date of application Provided however This shall not be construed to apply to those who are called for military service during times of peace or war

When in any county or political sub-division a physical examination of an employe or employes in the police bureau department or force is made by a doctor a copy of the report of the findings of the doctor shall be furnished to each person examined within twenty-four hours after its receipt by the county or politcal sub-division

Section 16 Probationary Period All original appointments to any position in the police bureau department or force within the terms of this act shall be for a probationary period of six months but during the probationary period an appointee may be dismissed only for just cause in the manner provided by section thirteen of this act If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the appointing officer the probationer shall be notified in writing that he will not receive a permanent appointment Thereupon his employment shall cease otherwise his retention in the service shall be equivalent to his final appointment

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police department of any county or political sub-division and there are no names on the eligible list for such appointment the appointing officer may nominate a person to the commission for non-competitive examination If such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made

after competitive examination in the manner prescribed in this act No such provisional appointment shall continue for a longer period than three months nor shall a successive provisional appointment be made to the same position Provided however That nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for the suppression of riots tumults in times of war pestilence conflagration or public celebration

Section 18 Promotions Promotions shall be based upon merits to be ascertained by tests to be prescribed by the commission All questions relative to promotion shall be practical in nature as to the promotion sought requires Provided however That no person shall be eligible for promotion in boroughs incorporated towns or townships until after serving three years

The commission shall have power to determine in each instance whether an increase in salary constitutes a promotion

Military service records shall not apply in taking examinations for promotion in any department

Section 19 Physical Examinations All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of a doctor of medicine appointed by the Civil Service Commission No person shall be eligible to take an examination until said doctor certifies that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the duties of the position desired

Section 20 Removals No person employed in any police department of any county or political sub-division shall be removed discharged or reduced in rank except for the reasons specified in section thirteen of this act and in no event until he shall have been furnished with a written statement of the reasons for such action A person so employed shall not be removed for religious or political reasons in every such case of removal or reduction in rank a copy or statement of the reasons therefor and written answers thereto if the person sought to be removed or reduced in rank desires to file such written answers shall be furnished by the commission

If the person sought to be removed or reduced in rank shall demand it a court of inquiry or trial board shall be constituted as provided in section twenty-one of this act if there are sufficient members in the Police Department to carry into effect the provisions of this section In all other cases the demand shall be to the commission The court of inquiry or trial board or commission as the case may be shall grant him a public hearing which shall be held within the period of ten days from filing of the charges in writing and the written answers thereto At any such hearing the person against whom the charge is made may be present in person and by counsel and the burden shall be upon the removing officer to justify his action In the event that the court of inquiry or trial board or commission fails to uphold the action of the removing or demoting officer then the person sought to be removed or demoted shall be reinstated with full pay for the period during which he may have been prevented from performing his usual employment and no charges shall be officially recorded against his record

A written record of all testimony taken at such hearings shall be filed with and preserved by the commission which record shall be sealed and not available for public inspection in the event no appeals shall be taken from the action of the court of inquiry trial board or commission

In the event the court of inquiry trial board or commission shall sustain the action of the removing or demoting officer the person removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county Such appeal shall be taken within ninety days from date of entry by the court of inquiry trial board or commission of its final order and shall be by petition Upon such appeal being taken and docketed the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the orginal record and no additional proof or testimony shall be permitted to be introduced The decision of the court affirming or reversing the decision of the court of inquiry trial board or commission shall be final and the employe shall be discharged demoted or reinstated in accordance with the order of the court

The removing or demoting officer and person sought to be removed or demoted shall at all times have the right to employ counsel before the court of inquiry trial board or commission and upon appeal to the court of common pleas

If for reasons of economy or other reasons it shall be deemed necessary by any county or political sub-division to reduce the number of paid employes of the police department then such county or political sub-division shall apply the following procedure (a) If there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty-five years of age or over (b) If the number of paid employes in the police department bureau or force eligible to retirement is sufficient to effect the reduction in numbers decided by the county or political sub-division or if there are no persons elgible for retirement or if no retirement or pension fund exists then the reduction shall be effected by suspending the last man or men including probationers that have been appointed to said police bureau department or force Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed until such reduction shall have been accomplished In the event the said police bureau department or force shall again be increased the employes suspended shall be reinstated in numerical order commencing with the last man suspended before any new appointments shall be made

Section 21 Selection of Court of Inquiry or Trial Board The head of the department shall in the presence of the accused and a brother officer or employe acting as his counsel cause the names of at least twenty-five members in said bureau of police bureau of detectives police women bureau of electricity in connection with police department police telephone operators and their assistants radio operators and their assistants and all other agents in connection with police work in the county or political sub-division equal or superior in rank to the accused to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided and cause said slips to be placed in a box from which the same shall be drawn by lot by some disinterested person until seven names shall have been drawn therefrom Whereupon the head of the department and the accused shall each in turn be entitled to exercise the right of challenge until only three names are left Said three persons shall compose a court of either inquiry or trial board as the case may be

The chief executive or head of the department as the case may be shall not be present during the deliberations of court of inquiry or trial board except as a witness and shall in no way interfere with the court of inquiry or trial board

No member's name shall be used as a court of inquiry or trial board members more than once within a period of thirty days In the event of an insufficient membership on the police department to provide a court of inquiry or trial board then such cases shall be decided by the commission

Section 33 Present Employes Exempted All appointments in the bureau of police bureau of detectives police women bureau of electricity in connection with police department police telephone operators and their assistants police radio operators and their assistants and in all other agencies connected with police work in the employ of all counties boroughs incorporated towns and townships upon their effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion Provided however That this section shall not be constructed to apply to person employed temporarily in emergency cases or in counties boroughs incorporated towns or townships not accepting or coming within the provisions of this act

Section 23 Discrimination on Account of Political or

Religious Affiliations No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced

No discrimination shall be exercised threatened or promised by any person in the police bureau police department or force against or in favor of an applicant person on the eligible list or employe because of political or religious opinions or affiliations

Section 24 Penalty Any appointing power who appoints any person to the police bureau department or force of any county or political sub-division contrary to the provisions of this act or who wilfully refuses or neglects to comply with or conform to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or suffer imprisonment not exceeding three months or both

Section 25 Salaries of the Civil Service Commissions The civil service commissioners shall receive such salaries or compensation as are provided by the board of county commissioners for the county the burgess and council for the borough or incorporated town and the board of township commissioners or supervisors for the township

Section 26 Repeal and Construction All acts and parts of acts general special or local inconsistent with this act are hereby repealed

It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction removal and reinstatement of members of the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and all other agencies connected with police work in every county borough incorporated town and township within this commonwealth which maintains a police force

Section 27 Police Force Defined Police force as used in this act shall mean a police force consisting of more than two policemen organized and operating as prescribed by law the members of which devote their normal working hours to police duty or duty in connection with bureaus agencies and services connected with police protection work and who are paid a stated salary or compensation for such work by the county or political sub-division

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1150, as follows:

An Act to amend paragraph (a) and (b) of section three and section four of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" by changing qualifications of applicants for examination as inspectors and the average to be attained in examinations to be deemed successful

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (b) of section three of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in conviction therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" is hereby amended to read as follows

(a) They shall be citizens of this Commonwealth and residents of the anthracite region of temperate habits of good repute of personal integrity in good physical condition and not under thirty or over [fifty] fifty-five years of age Every applicant shall furnish to the examining board a service statement Such statement shall show the length of time served at each class of work at which the applicant has been employed in and about the mines and be certified to by the superintendent or other responsible official under whom such applicant was employed The owner operator or superintendent of every mine or colliery is hereby required to furnish such a statement to every applicant

(b) They shall give to the board satisfactory evidence of having had at least ten (10) years of practical experience in the anthracite coal mines of this Commonwealth [five (5) years of which they] and shall have served as qualified coal miners possession miners' certificates engaged in the actual practice of cutting and blasting coal or rock at the face of a gangway airway breast pillar or other working place in a mine and in performing such other work in such working places as is necessary for the extraction of coal

Section 2 Section four of said act is hereby amended to read as follows

Section 4 The examination shall be in writing and the applicants who have attained an average of at least [eighty] ninety per cent including proper allowances for experience shall be deemed successful but in no case shall the allowances for experience be more than twenty-five per cent

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 138, as follows:

An Act to further amend section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments board commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by requiring certain qualifications for the Adjutant General and providing for the designation of a Deputy Adjutant General as acting Adjutant General under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administra-

tive departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2003) and the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2436) is hereby further amended to read as follows

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Commissioner of the Pennsylvania Motor Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General [shall may have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard or the Governor may designate the ranking line officer of the Pennsylvania National Guard as Adjutant General Provided That should the ranking line officer be also appointed Adjutant General he shall receive only the salary provided by law for the Adjutant General And provided further That should the ranking line officer be called into the service of the United States a Deputy Adjutant General to be designated by the Governor shall act as Adjutant General during his absence No Adjutant General shall be appointed who shall not have served at least [ten] fifteen years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the [United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double] Regular Army of the United States

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 382, entitled:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section two hundred and thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 286) is hereby further amended to read as follows

Section 213 Deputies The head of any administrative department except the Auditor General and State Treasurer shall have the power with the approval of the Governor to appoint and fix the compensation of a deputy or such number of deputies as the Executive Board shall approve who shall in the absence of the head of such department have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department except the power to appoint deputies bureau or division chiefs or other assistants or employes and who may at any time exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department Provided however That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform

Whenever there shall be a vacancy in the office of the head of any department such deputy as the Governor shall designate in writing shall exercise the powers and perform the duties of the head of the department until the vacancy is filled

With the approval of the Governor in writing the head of any department may authorized a named deputy to serve in his stead on any departmental administrative board or

commission except the Board of Pardons of which such department head is a member ex-officio [The] One of the [Deputy] Deputy [Adjutant] Adjutants General shall possess the same qualifications in all respects as are required by law for the Adjutant General of the Department of Military Affairs and one shall be a veteran of the World War in which the United States has been engaged and who has been active in any veterans' organization

On the question,

Will the House agree to the section?

Mr. TAYLOR. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (Sec. 213), page 6, lines 1 to 4, by striking out with heavy-faced brackets the words "and one shall be a" in line 1, and all of lines 2, 3 and 4

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Said act is hereby amended by adding thereto after section one thousand four hundred and eleven a new section to read as follows:

Section 1412 Deputy Adjutant General in Charge of Veterans Affairs In addition to such other deputies as may be named in the Department of Military Affairs there shall be a deputy adjutant general in charge of all matters relating to veteran affairs Such deputy shall be selected as other deputies are now selected and shall receive such compensation as may be fixed as now provided by law which compensation shall be provided from funds appropriated for the State Veterans' Commission Such deputy shall also be in charge of such other matters relating to the military activities of the State as may be assigned by the Department of Military Affairs.

On the question,

Will the House agree to the section?

Mr. TALOR. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2 (Sec. 1412), page 6, line 26, by striking out with heavy-faced brackets the word "and" and insert in lieu thereof "shall be a veteran of the World War and an active member of a recognized veterans' organization. Such deputy"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1378, entitled:

An Act fixing the number compensation mileage and duties of the officers and employes of the House of Representatives and providing for their election or appointment term of office and manner of filing vacancies

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The House of Representatives shall in the odd-numbered years at the beginning of each regular biennial session of the General Assembly elect in addition to the Speaker as provided for by the Constitution the following officers and employes who shall serve until ten days after the opening of the next regular biennial session of the Legislature following that for which they were elected or until their successors are elected and have qualified unless sooner removed by resolution of the House of Representatives and who shall receive the compensation and perform the duties herein specified for each

One chief clerk at an annual salary of seven thousand five hundred dollars ($7500)

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 878, as follows:

An Act to furthe amend the fourth paragraph of section one of and to add new sections two and three to the act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-five) entitled "An act providing for the registration of bottles boxes siphons siphon-heads tins kegs cans soda-fountains cylinders of carbonic acid gas or other containers and forebidding the refilling of or dealing or trafficking in such registered bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers by persons other than the owners thereof without the written consent of the owner and imposing a

penalty therefor providing for the issuing of process in the nature of search warrant providing what shall be prima facie proof thereof and providing that the delivery of said bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers shall not constitute a sale thereof" by providing for imprisonment for violations by providing injunctive relief and including a severability clause

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The fourth paragraph of section one of the the act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-five) entitled "An act providing for the registration of bottles boxes siphons siphon-heads tins kegs cans soda-fountains cylinders of carbonic acid gas or other containers and forbidding the refilling of or dealing or trafficking in such registered bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers by persons other than the owners thereof without the written consent of the owner and imposing a penalty therefor providing for the issuing of process in the nature of search warrant providing what shall be prima facie proof thereof and providing that the delivery of said bottles boxes siphons siphon-heads tins cans kegs soda-fountain cylinders of carbonic acid gas or other containers shall not constitute a sale thereof" as amended by the act approved the nineteenth day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred thirty-two) is hereby further amended to read as follows

Fourth If any person shall make oath before any magistrate or justice of the peace of any city borough or township of this Commonwealth that he has reason to believe and does believe that any of the bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers the property of any person firm or corporation who have complied with the provisions of the first section of this act are being unlawfully used filled or trafficked in retained or destroyed or possessed by any person firm or corporation engaged in manufacturing or selling soda-waters mineral or aerated waters porter ale root beer cider ginger ale milk cream ketchup small beer lager beer weiss beer white beer or other beverages or any medicines medical preparations perfumery oils compounds or mixtures or that any junk-dealer in second-hand articles or any other person firm or corporation has any such bottles boxes siphons siphon-heads tins kegs soda-fountains cylinders of carbonic acid gas or other containers in his her their or its possession or secreted in any place such magistrate or justice of the peace shall issue a search warrant which may be served at any time during the day or night to discover and obtain the same and to bring before such magistrate or justice of the peace the person or persons in whose possession such bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers may be found and if any such are found unlawfully in the possession of any such person or persons the said person or persons shall be for the first offense forfeit and pay the sum of fifty cents for each bottle box siphon siphon-head tin can keg soda-fountain cylinder of carbonic acid gas or other container so unlawfully filled or sold or used or disposed of or bought or trafficked in together with the costs of suit to be recovered as debts are by law recovered in any action to be instituted for such penalty before any magistrate or justice of the peace in the county wherein the offense shall have been committed No appeal shall be allowed from any judgment rendered in such case except upon special allowance of the court of common pleas One-half of such penalties or fines so recovered shall be paid to the person informing and the other one-half for the use of the Commonwealth] when summarily convicted before any magistrate justice of the peace or alderman in this Commonwealth pay a fine of fifty ($.50) cents for each container that is unlawfully filled sold defaced used disposed of bought or trafficked in without the written consent of the registered owner plus costs of prosecution and in default of the payment of fine and costs shall be committed to and imprisoned in the county jail of the proper county for a period of not more than ten (10) day for each offense for which so convicted Appeals shall be allowed from the decision of the justice of peace magistrate or alderman subject to the rules regulations and laws applicable to appeals taken from summary convictions One-half of all fines so recovered under this act shall be paid to the person informing and the other one-half to be paid to the Commonwealth of Pennsylvania Any person who shall violate any of the provisions of this act for a second or any subsequent time shall upon summary conviction before any magistrate or justice of the peace be sentenced to pay a fine of not more than one hundred ($100) or upon nonpayment thereof to undergo imprisonment in the county jail for not more than ten (10) days providing that any person so convicted shall have the right of appeal as in other cases of summary conviction

Section 2 The Act is hereby amended by adding thereto after Section one new sections to read as follows

Section 2 In addition to any other remedy at law or in equity or under this act the owner of any bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers or his duly authorized agent may apply to the court of common pleas in the county wherein the defendant resides or has his principal place of business to enforce compliance with or restrain violations of any of the provisions of this act The said courts of common pleas of various counties are hereby clothed with jurisdiction to hear and determine all such actions The penalties and remedies prescribed in this act shall be deemed concurrent or contemporaneous and the existence or exercise of any one remedy herein shall not prevent the complainant or owner from exercising any other remedy hereunder

Section 3 It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part sentence or clause hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein It is hereby declared as the intent of the legislature that every other part sentence or clause of this act would have been enacted had such unconstitutional provision not been included herein

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 791, as follows:

An Act to further amend section four of the act approved the twenty-eighth day o June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the owners granted by this act" by providing certain restrictions as to dams and other projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-

eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 676) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and low head dams and improvements to river embankments (any and all the foregoing being herein called "projects") Provided however That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby (other than for the construction improvement and maintenance of bridges) shall be exercised in the construction improvement maintenance extension or operation of any projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes and the Authority is hereby granted and shall have and may exercises all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however that the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1404, (Senate Bill No. 488), entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1441, (Senate Bill No. 415), entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof

providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1440, (Senate Bill No. 414), entitled:

An Act authorizing school districts of the first class to fund floating indebtedness incurred prior to December 31 1939 for current expenses and debt service and to issue and sell bonds for this purpose

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1433, (Senate Bill No. 673), entitled:

An Act to amend Section one of the Act approved the first day of December. one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract, conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits time clock circuits, and certain telegraph teleprinters.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 549, as follows:

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by providing for equipment allowances increasing and extending clothing allowances and requiring a report by commanding officers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as last amended by section three of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 332) is hereby further amended to read as follows

Section 9 [A] An equipment and clothing allowance for officers and warrant officers shall be made available as follows An initial allowance for [newly appointed] officers and warrant officers [of mounted troops] of two hundred dollars ($200) when originally appointed [for newly appointed officers and warrant officers of dismounted troops one hundred fifty dollars ($150)] No more than one initial allowance shall be granted to any officer or warrant officer [Provided however That] no additional allowance shall be made available to [such] officers receiving the initial allowance for a period of five years from the date of initial credit On completion of the initial five year period a subsequent allowance shall be made on the basis of one twenty-fourth (1/24) of eighty dollars ($80) for each remaining month of the biennium during which the initial five year period expired For all other officers and warrant officers [of mounted troops] an allowance of eighty dollars ($80) [and for officers and warrant officers of dismounted troops sixty dollars ($60)] shall be made available every two years from the first day of June of odd numbered years The above allowances shall be established by the Adjutant General as a credit [in the office of the Adjutant General] to the account of each officer entitled thereto and shall be [paid in the usual manner] approved for payment upon presentation of [bills] certified invoices Provided That these allowances shall be made available only when commanding or inspecting officers report that officers or warrant officers are completely equipped for field service

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-nine

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Donohoe,	Lee,	Schrock,
Ackermann	Downey,	Levy,	Schrope,
Allen,	Ely,	Leydic,	Schwab,
Allmond,	Ewing,	Lichtenwalter,	Seif,
Alspach,	Falkenstein,	Lovett,	Serrill,
Andrews,	Fauset,	Lyons,	Shearer,
Atkins,	Finnerty,	Madden,	Simons,
Auker,	Fisher,	Malloy,	Skale,
Baker,	Fiss,	Malone,	Sloan,
Balliet,	Flanagan,	Marr,	Snyder,
Balthaser,	Fleming,	Matthews,	Sollenberger,
Bardes,	Foor,	McClester,	Stambaugh,
Bennett,	Freed,	McGarrity,	Stank,
Bohn,	Fullerton,	McKinney,	Stewart,
Boles,	Gates,	McNally,	Stockham,
Boorse,	Gillan,	McVay,	Sweeney,
Boose,	Gillette,	Melchiorre,	Tahl,
Bower,	Goll,	Mihm,	Taylor,
Boyd,	Gorski,	Montgomery,	Terry,
Brancato,	Habbyshaw,	Mooney,	Thistle,
Bretherick,	Haines,	Moran,	Thompson, E. F.
Broad,	Hall,	Moser, F. S.,	Thompson, G. R.
Bronson,	Hamilton,	Moser, J. L.,	Tiemann,
Brown, H. S.,	Harbeson,	Muir,	Tronzo,
Brown, S. W.,	Harkins,	Munley,	Trout,
Brunner,	Haudenshield,	O'Connor,	VanAllsburg,
Cadwalader,	Henry,	O'Dare,	Van Belle,
Calvin,	Hess,	Ominsky,	Voorhees,
Carpenter,	Hewitt,	O'Neill,	Wagner,
Check,	Hocke,	Peacock,	Walsh,
Chervenak,	Hoffman, J. N.,	Peale,	Watkins,
Christler,	Hoffman, S. K.,	Powers,	Webster,
Clark,	Holland,	Preston,	Weiss,
Clearwater,	Hoyt,	Readinger,	Welsh, E. B.,

Cohen, H. B.,	Huntley,	Reagan,	Welsh, M. J.,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Westrick,
Cook,	Irvin,	Reynolds,	Wilkinson,
Cooper,	James,	Rider,	Williams,
Cordier,	Jirolanio,	Riley,	Wilson,
Corrigan,	Johnston,	Robertson,	Winner,
Cortese,	Jones,	Rooney,	Wood, H. M.,
Curran,	Keenan,	Rose,	Wood, L. H.,
Dalrymple,	Kenehan	Roseberry,	Wood, N.,
Denman,	Kilroy,	Rosenfeld,	Woodside,
DeNote,	Kline,	Rothenberger,	Yeakel,
Dick,	Knoble,	Royer,	Turner,
Dix,	Kowalski,	Sarge,	Speaker.
Donahue,	Krise,	Scanlon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 518, as follows:

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is unlawful for any person other than employes or their representatives to walk along or across the tracks of any railroad except when the same shall be laid upon a public highway If any person except employes or their respresentatives is injured in any manner while walking standing or playing on any railroad right of way or while riding upon boarding or alighting from a car as a trespasser while the car is in motion such person shall be deemed to have contributed to the injury sustained and shall not recover therefor any damages from the company owning or operating said railroad This act shall not apply to the crossing of a railroad by any person at any place which is a part of a public street or highway or to any person performing his occupational duties which demands his presence on such railroad property or to any person on that portion of a railroad's property which is provided for or dedicated to the use of the traveling public by such railroad in the performance of the usual and customary functions of a railroad

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Dauphin, Mr. Taylor, permit himself to be interrogated?

Mr. TAYLOR. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman whether this bill would prohibit the parents of a child from recovering from a railroad in case that child were attracted onto the property of the railroad company and thereby injured.

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Westmoreland, Mr. Denman.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman whether House Bill No. 518, Printer's No. 479 would obviate the time worn legal theory of "attractive nuisances."

Mr. DENMAN. As I understand it, Mr. Speaker, it will provide that a trespasser on a railroad would be guilty of contributory negligence and therefore would be precluded from recovery.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Westmoreland whether that would apply to minors?

Mr. DENMAN. Mr. Speaker, it probably would.

Pardon me, Mr. Speaker, in reply to the last question of the gentleman from York as to minors, there is some question as to whether it would apply to minors not of an age when they could be guilty of contributory negligence under the law. I believe that would require interpretation by the court.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the law on trespass as far as trespassing on railway company property is concerned has been long established in the Commonwealth. Even with the Supreme Court inclined toward favoritism to the railroads, for years we nevertheless have had in our substantive law the doctrine that would prohibit minors of being guilty of contributory negligence for trespassing on railroad property, under the doctrine, long established in our law, and known to all the law students, as the doctrine of "attractive nuisance." That doctrine is not peculiar to Pennsylvania. It extends throughout the entire United States, and it has application in the courts of each particular state as well as in the federal court.

This bill attempts to make it unlawful to trespass on railroads, and ipso facto, declares the trespasser guilty of contributory negligence. The mere fact that the individual is on railroad property immediately makes that individual guilty of negligence and thereby precludes that individual from recovery for any negligence on the part of the railroad.

Just to show how ludicrous the extension of this doctrine is, I will ask the membership of the House to refer to the bill and you will see that while an individual might be on railroad property and hence guilty of contributory negligence, nevertheless on furlough, employes or their representatives may walk across the tracks and not be guilty of negligence. Now, the question of negligence is never determined on the basis of whether one is or is not an employe or a representative of an employe. The question of negligence is whether or not the individual did the reasonable thing under the circumstances. It would be ludicrous to say that a representative of an employe could walk over the railroad tracks and not be guilty of negligence, and then say that the same act by an individual who is not a representative of an employe of the railroad walking across the tracks would be negligent.

I wish to call the attention of the membership of the House to the fact that this is an extreme departure from the law of negligence as it has existed in the Commonwealth for a great length of time. In addition thereto, it is a flagrant attempt to pass special legislation for the benefit of railroads.

I need not refer you to anything more than Senate Bill No. 268, which this House, not knowing what it was doing, passed on Thursday, whereby the railroads were also beneficiaries by the actions of this House of Representatives to the detriment of each and every one of your various townships, cities and municipalities. By Senate

Bill No. 268 this House went along with the program that will in the future completely abolish grade crossing eliminations. Now this House is asked again to go along with a proposition equally as insidious, equally as detrimental to the welfare of the people of the Commonwealth. They are asked to pass a bill that definitely says to the railroads, "You do not have to pay any damages to any individuals injured on your property, irrespective of how negligent the railroad might be." They might have a defective engine, they might have an explosion, there might be some overt act on the part of an employe, any conceivable act of negligence might be committed by the railroad resulting in injury to someone who is innocently upon the property, with the result that that individual under the terms of this act would recover no damages.

I say to the membership of this House that already this session the railroads have become the beneficiaries of too much favorable legislation, and I would ask the membership of this House to vote "no" on this bill.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Westmoreland, Mr. Denman.

Mr. LOVETT. Mr. Speaker, I would like to have the gentleman explain just what this bill means when it says "crossings on a street or highway."

Mr. DENMAN. Mr. Speaker, as I understand that particular part of the bill, it means that the railroads have suitable safeguards at crossings that are over public highways.

Mr. LOVETT. Mr. Speaker, does the gentleman know that we have certain private crossings which men use to enter plants?

Mr. DENMAN. Mr. Speaker, I do.

Mr. LOVEETT. Mr. Speaker, does the gentleman from Westmoreland feel that under this particular act, if those men were hurt entering those plants by the use of private crossings that they would receive no damages for their injuries?

Mr. DENMAN. Mr. Speaker, that is a matter that is up to the courts.

Mr. LOVETT. Mr. Speaker and members of the House, we have in a number of places in the state of Pennsylvania what are known as private crossings, where men cross a railroad to enter a private plant or industry. I feel that this is a very bad bill. If those men should happen to be hurt at those particular crossings this bill would certain affect their damage suits against the railroads. I feel that this bill should be defeated.

Mr. FALKENSTEIN. Mr. Speaker, it was not my intention to speak on this bill, but an actual experience of mine forces me to do so.

I was returning to my home on Friday night. I had hardly gotten out of the car when a fellow came running down to the house and said:

"Frank, do you know where your boy is?"

I said, "No, I do not. I just came home."

He said, "For God's sake, go up to the hospital. There is a little blonde boy who just had his leg cut off at the hip."

It happened down at the railroad, at 24th and Wolfe streets, where there is a public playground. The railroad runs on the street, half way across, and on the other side there is an open street located just behind this playground. It is open there at all times, and it is a temptation for young children. I want to thank God it was not my boy. I am also sorry for the boy who was hurt, because this little boy sits in school with my boy. His dad is a W.P.A. worker.

If this bill passes, from what I understand, that little child would be guilty of contributory negligence. What is going to happen to the family. From what I hear the boy is expected to die, and under this bill they would not recover anything even for the purpose of burying him.

Mr. SEIF. Mr. Speaker and members of the House, I too consider this bill rather obnoxious. I am sorry that all of the objections come from the Democratic side of the House. I know there is a lot of objection on the Republican side and I feel I ought to make a few remarks.

Mr. Cohen touched upon the subject of "attractive nuisance" in the law but did not explain it fully. Under the law if a defendant or a tort feasor shall so control and maintain his property that children are attracted to that property, such a condition is known under the law as an "attractive nuisance." For example, on railroads we have such attractive nuisances as turn-tables, such attractive nuisances as switching yards. It seems to me it should be the duty of the railroads to fence in those nuisances to keep children and trespassers out, so that small children will not be attracted thereby and become injured.

As I understand the provisions of this bill, the doctrine in the law of "attractive nuisance" will be wiped out. It seems to me if a railroad, or any tort feasor, or any defendant is permitted to maintain and operate conditions known as attractive nuisances, they should suffer the consequences through the payment of damages to any small children or their parents who may be injured as a result of being attracted to the nuisance maintained by a railroad.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. TAYLOR. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 99, as follows:

An Act to amend section one of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by permitting the court to suspend sentence and place defendants on probation in cases of conviction of any crime except murder under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nine-

teenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentence the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by the act approved the seventh day of May one thousand nine hundred and twenty-five (Pamphlet Laws 554) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person shall be convicted in any court of this Commonwealth of any crime except murder [administering poison kidnapping incest sodomy buggery rape assault and battery with intent to ravish arson robbery or burglary] and it does not appear to the said court that the defendant has ever before been imprisoned for crime either in this State or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment) and where the said court believes that the character of the defendant and the circumstances of the case such that he or she is not likely again to engage in an offensive course of conduct and that the public good does not demand or require that the defendant should suffer the penalty imposed by law the said court shall have the power to suspend the imposing of the sentence and place the defendant on probation for a definite period on such terms and conditions including the payment of money for the use of the county not exceeding however the fine fixed by law for conviction of such offense as it may deem right and proper said terms and conditions to be duly entered of record as a part of the judgment of the court in such case No such condition for the payment of money shall be considered as the imposition of a fine or a sentence nor prevent the court from thereafter sentencing any defendant under the act under which he or she was convicted upon violation of his or her parole

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—46

Baker,	Hamilton,	Moran,	Rothenberger,
Balthaser,	Harbeson,	Moser, F. S.,	Schwab,
Boney,	Harkins,	Munley,	Skale,
Brancato,	Holland,	O'Connor,	Stank,
Burns,	Kenehan,	Ominsky,	Tarr,
Burris,	Kilroy,	Powers,	Thompson, E. F.,
Check,	Leydic,	Preston,	Walsh,
Cohen, R. E.,	Malloy,	Readinger,	Weiss,
Corrigan,	Malone,	Reese, R. E.,	Welsh, E. B.,
DeNote,	Melchiorre,	Rider	Welsh, M. J.,
Fauset,	Mihm,	Rooney,	Williams,
Flanagan,	Mooney,	Rosenfeld,	Woodside,

NAYS—105

Ackermann,	Dix,	Knoble,	Seif,
Alspach,	Donahue,	Kowalski,	Serrill,
Andrews,	Ewing,	Krise,	Shearer,
Atkins,	Falkenstein,	Lee,	Sloan,
Auker,	Fisher,	Lovett,	Snyder,
Balliet,	Fiss,	Lyons,	Sollenberger,
Bennett,	Foor,	Madden,	Stambaugh,
Boles,	Freed,	Marr,	Stewart,
Boorse,	Fullerton,	McClester,	Stockham,
Boose,	Goll,	McKinney,	Taylor,
Bower,	Habbyshaw,	McNally,	Terry,
Boyd,	Haines,	Montgomery,	Thistle,
Bretherick,	Hall,	Moser, J. L.,	Thompson, G. R.,
Bronson,	Haudenshield,	Muir,	Tiemann,
Brown, S. W.,	Henry,	O'Dare,	Trout,
Brunner,	Hess,	O'Neill,	Van Allsburg,
Cadwalader,	Hewitt,	Reagan,	Webster,
Carpenter,	Hoffman, J. N.,	Reese, D. P.,	Westrick,
Chervenak,	Hoyt,	Riley,	Wilkinson,
Christler,	Huntley,	Robertson,	Wilson,
Clark,	Imbrie,	Rose,	Winner,
Clearwater,	James,	Roseberry,	Wood, H. M.,
Cook,	Jirolanio,	Royer,	Wood, L. H.,
Cooper,	Johnston,	Sarge,	Wood, N.,
Cordier,	Jones,	Schrock,	Yeakel,
Denman,	Kline,	Schrope,	Turner,
Dick,			Speaker.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 543, as follows:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by further regulating the lien of such taxes removing the right to revive extend or continue such liens extending the provisions of said act to institution district taxes authorizing the return of certain taxes after the time limit for such returns has expired validating preserving and extending liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

Section 1 Be it enacted et cetera That from and after the passage of this act it shall be the duty of each receiver or collector of any county city borough town township school district [or] poor district or institution district taxes to make a return to the county commissioners of such taxes which are assessed and levied on seated lands and which are unpaid and for which no liens have been filed not later than the first Monday of May in the year succeeding the year in which the respective taxes were assessed and levied filing therewith a description of said real estate by adjoiners or otherwise sufficient to identify said land with name of the owner or reputed owner against whom such taxes were assessed and levied and the amounts of taxes unpaid and the year during which the said taxes were assessed or levied In addition to penalties under existing laws interest at the rate of six per centum per annum shall be added beginning on the first day of May of the year following the levy and assessment of such tax until such taxes are paid or the seated lands responsible therefor are sold as hereinafter provided

Where the receiver or collector of any such taxes shall have failed to make the return thereof as provided by this section and the time fixed for making such return has expired such receiver or collector of said taxes or any delinquent tax collector or taxing authority in whose hands such taxes now repose for collection is hereby authorized to make return of any of said taxes which are unpaid and for which no lien has been filed within six months from the effective date of this act and the liens of such taxes so returned shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at the time when a county treasurer's sale is held under the provisions of this act in the same manner as if such returns had been made at the time heretofore required by this section Provided however That the return of any tax under this amendment shall not establish revive or reestablish any tax lien against real estate which was transferred to any bona fide purchaser during the time before such return was made or when any such lien was lost

Section 2 Sections four and five of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 940) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statute supplied hereby shall be first liens [for a period of five years from the date of their return] until sold as hereinafter provided or unless sooner discharged [or extended as hereinafter provided]

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof [Provided however That no such lien shall continue for a longer period than five years from the date of the entry of such return in said return docket unless within such period of five years such lien is extended as herein provided If for any reason any property subject to such lien has not been sold during a period of five years from the date of the return of the taxes the county treasurer may before the expiration of such period file such taxes as liens in the office of the prothonotary whereupon the lien thereof shall continue for another period of five years from the date of filing in the prothonotary's office] except as hereinafter provided

Section 3 Section seven of said act is hereby amended to read as follows

Section 7 The county treasurer shall advertise the fact of holding such sale once a week for the three successive weeks prior to the holding of such sale in at least two newspapers of general circulation in the county in which such seated land is located if there be two newspapers so published if there be only one then in such newspaper so published in the county

Such advertisement shall set forth

(a) The purpose of such sale

(b) The time of such sale

(c) The place of such sale

(d) The terms of such sale

(e) A list of the seated lands affected and their location and the owner or reputed owner of each

(f) Amount of taxes and interest

In addition to such advertisement at least ten days before any such sale written notice thereof shall be served by the county treasurer by registered mail upon the owner of such land and if the whereabouts of the owner is unknown such notice shall be served by registered mail upon the terre tenant if any [If such notice cannot be served in said manner on the owner or terre tenant then such notice shall be served by the county treasurer by posting the same in the courthouse and at a conspicuous place on the premises] Provided however That no such sale shall be prejudiced or defeated and no title to property sold at such sale shall be invalidated by proof that such written notice was not served by the treasurer or that such notice was not received by the owner or terre tenant as herein provided

The cost of such advertisements notices and the service thereof shall be taxed as part of the costs of such proceedings and shall be paid the same as the other costs

Section 4 Section eight of said act as last amended by the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 239) is hereby further amended to read as follows

Section 8 [Such] (a) No such sale shall be made [on] before the first Monday of August [in] the second year succeeding the year in which the respective taxes are assessed and levied [or on any day to which such sale may be adjourned or readjourned from time to time except in the case of taxes levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law in which case and for such taxes the sale shall be held in the year one thousand nine hundred thirty-three or on any day to which such sale is adjourned or readjourned] but in every case except as herein otherwise provided sale shall be made within a period of five years from the date such taxes have heretofore been entered on the tax return docket or from the date the lien thereof has last been extended or continued by filing the same in the office of the prothonotary or from the date such taxes shall hereafter be entered on such docket except in cases where such sale has been or shall hereafter be adjourned or readjourned beyond such period of time or prohibited during such period of time under the authority of this or any other act of Assembly In all cases of adjournment or readjournment of any such sale and in all cases where the lien of any tax would under the provisions of this act expire or be lost prior to the sale of such property under the provisions of this act such liens are hereby revived preserved and extended and shall remain in full force and effect until the property against which such taxes are a lien is sold under the provisions of this act or the lien otherwise discharged [Provided That]

(b) For all taxes assessed and levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law the sale shall be held on before February first one thousand nine hundred and forty and for the taxes assessed and levied for the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two the sale shall be held on or before May first one thousand nine hundred and forty and for taxes assessed and levied for the years one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four the sale shall be held on or before the first Monday of August one thousand nine hundred and forty

(c) No property shall be sold under the provisions of this act at the times herein prescribed when the delinquent taxes assessed and levied against such property are being paid upon the installment plan authorized and provided by any law abating penalties interest and costs or any of them imposed upon unpaid delinquent taxes or when any payment shall have been made under such plan and even though a default shall have been made in the required payments if the taxpayer has an opportunity under the said act to continue the installment payments at the subsequent installment period and secure the remaining benefits of said act In all such cases the liens of such taxes are hereby fully preserved and extended for the entire installment period if there is no complete default under the terms of the said act and if there shall be such a default the said liens are hereby continued preserved and extended until sold under the provisions of this act Provided however That if the time for selling such property or properties under the other provisions of this act

shall have expired at the time of such default said property or properties shall be sold within six months after the date of such default

(d) The county treasurer may at his discretion when he deems it to the advantage of any taxing district hold a sale of the property or properties of one or more taxables for the unpaid taxes assessed and levied against such property separate and independent of any general tax sale of properties as provided by this act The purpose of this clause is to provide a method whereby the property or properties of one or more delinquent taxables may be sold by the treasurer within the time limits prescribed by this act without the necessity of selling other properties against which taxes for the same year have been assessed and levied and returned as herein provided and which are unpaid.

(e) After the date has been fixed for any such sale it may be adjourned or readjourned from time to time and in such case the advertisement and notice of a sale as required by this act may be given preceding the date of any adjourned or readjourned sale in which case no prior advertisement or notice shall be required and in case the sales for different years' taxes be held on the same date the advertisements and notices may be consolidated Provided further That if any such sale be adjourned or readjourned after advertisement and notice by public announcement at such sale adjournment or readjournment no additional advertisement or notice shall be necessary for such adjourned or readjourned sale Provided further That no such adjournment or readjournment shall be for a longer period than thirty days unless the county treasurer with the consent in writing of the county commissioners and the approval of the judge of the court of the county in which the sale is pending shall declare at the time fixed for a sale of any adjournment or readjournments thereof that because of widespread economic and business depression and usual unemployment incident thereto a sale would be inadvisable in which case any such sale may be adjourned or readjourned at any one time and from time to time for a longer period [not exceeding two years and six months and] but in no case beyond the expiration of the period fixed for such sale by this amendment or beyond the date of the actual holding of the first subsequent sale for any other year's taxes provided that when after advertisement of a sale it has been determined as aforesaid to adjourn any sale for taxes the county treasurer shall publish at the expense of the county in at least two newspapers of general circulation in the county if so many be published in the county a brief notice or advertisement announcing said adjournment and the actual new date to which such sale for taxes has been adjourned

(f) For each tract of land so disposed of the county treasurer shall be entitled to the following fees which shall be taxed as part of the costs of such proceeding and shall be paid the same as other costs

Advertising each tract including printer's charge the actual cost

Selling each tract or part thereof	$ .25
Writing and signing each deed	1.50
Acknowledging every deed	.50
Writing and filing every bond to acknowledge the purchase money	.25

The county shall in the first instance be liable for the cost of advertising treasurers' sales and the fees collected for such advertising shall be paid into the county treasury for the use of the county

For receiving and paying over the purchase money or taxes collected by him the county treasurer shall be entitled to a commission of two per centum (2%) thereof such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof

Section 5 Section nine of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 661) and by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible [No] Every such sale shall discharge the lien of [any] every mortgage [which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages] recorded after the effective date of this act obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable including grounds rents [municipal claims and or other taxes and] except no such sale shall discharge the lien of any [ground rent] municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within [five] two years after such sale if such real estate has been purchased [by the county otherwise] within two years after such sale by the payment to the county treasurers of the full amount which the purchaser paid to said treasurer for taxes interest and costs and fifteen per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated lands were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 6 Section ten of said act is hereby amended to read as follows

Section 10 It shall be the duty of the purchaser or purchasers at this treasurer's sale as soon as the property is struck down to pay the amount of the purchase money or such part thereof as may be necessary to pay all taxes except such taxes as have heretofore been filed as liens in the office of the prothonotary and all interest and costs and also one dollar and fifty cents for the use of the prothonotary for entering the report of the treasurer and acknowledgment of the treasurer's deed as hereinafter mentioned and in case said amount is not forthwith paid after the property is struck down the sale may be avoided and the property immediately put up again by the said treasurer

Any such property for which an amount sufficient to pay such taxes interest and the costs is not bid shall be purchased by the county commissioners in which event the requirements of the preceding paragraph of this section shall not apply

Section 7 Section twelve of said act is hereby amended to read as follows

Section 12 It shall be the duty of the county treasurer at the first term of a court of common pleas of the proper

county succeeding any such sale to make a report and return wherein he shall set forth a brief description of the land or property sold the name of the person (where known) in which the same is assessed the amount of tax and the year for which the same is assessed the time when and the newspapers in which the advertisement for sale was made with a copy of said advertisement the time of sale the name of the purchaser and the price for which each respective property was sold Upon the presentation of said report or return if it shall appear to said court that such sale has been regularly conducted under the provisions of this act the said report and the sale so made shall be confirmed nisi

The county treasurer shall at the expense of the county publish a general notice once in a newspaper of general circulation throughout the county stating that the report of the county treasurer with respect to any such sale or sales for delinquent taxes has been presented to the court giving the date thereof and that exceptions thereto may be filed within sixty days after the date of return otherwise the report will be confirmed absolutely

In case no objections or exceptions are filed to any such sale within sixty days after the date of return a decree of absolute confirmation shall be entered as of course by the prothonotary Any objections or exceptions to such a sale may raise the legality of the taxes for nonpayment of which the real estate was sold or the return thereof or the validity of the sale for the reason that the tax was actually paid or question the regularity or legality of the proceedings of the treasurer in any respect In case any objections or exceptions are filed they shall be disposed of according to the practice of the court When the same are overruled or set aside a decree of absolute confirmation shall be entered by the court If such objections or exceptions are sustained and the court deems the defect not amendable it shall by its order or decree invalidate the sale From the decision of the court of common pleas any party interested may appeal to the Supreme or Superior Court as in other cases If no objections or exceptions are filed as herein provided or where objections or exceptions are finally overruled and the sale confirmed absolutely the validity of the assessment of the tax and its return for nonpayment and the validity of the proceedings of the treasurer with respect to such sale shall not thereafter be inquired into judicially in equity or by civil proceedings by the person or persons in whose name such property was sold his or her or their heirs or his her or their grantees or assigns subsequent to the date of the assessment of the taxes for which such sale was made and such sale after the period of redemption shall be terminated shall be deemed to pass a good and valid title to the purchaser [as against the person or persons in whose name such property was sold] free from any liens or encumbrances whatsoever except such liens as are hereinbefore specifically saved and in all respects as good and effective as if acquired by a sheriff's deed provided the purchaser has filed the bond for surplus moneys as hereinafter provided

Section 8 Section sixteen of said act as amended by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate [for the next five years] During the redemption period following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption of lands heretofore purchased by the county commissioners shall remain in the real owner of such lands or other persons interested for five years after such sale to the county commissioners and of all lands hereafter purchased by the county commissioners such right shall remain for two years after such sale and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

Section 9 Section seventeen of said act is hereby amended to read as follows.

Section 17 If the owner of any real property his heirs or legal representatives or lien creditor his heirs assigns or legal representatives or other person interested in property so purchased by the county commissioners shall not redeem the same within such period the county commissioners shall [at any time] within six months after the expiration of such period sell [any] such lands at public sale [and make deed therefor] or private sale in the manner provided by law for the best price or prices obtainable Any such lands now owned by the county for which the redemption period has expired shall be sold as herein provided within six months after the effective date of this act After any such sale or in the case of any redemption the property shall be charged by the assessor in the name of the last purchaser or redeemer and such lands shall again be liable for taxes as other lands

The county commissioners before making sale of real property purchased by them at tax sales shall give at least thirty days' notice once a week for three consecutive weeks of such sales particularly designating the tracts that are to be sold This notice shall be inserted in two newspapers published in the county if so many are published in said county if there be only one then in such newspaper published in the county

Such advertisement shall set forth

(a) The purpose of such sale
(b) The time of such sale
(c) The place of such sale
(d) The terms of such sale
(e) A list of seated lands affected and their location and the owner or reputed owner of each

After such sale the county commissioners shall make and deliver a deed being acknowledged before an officer authorized to acknowledge deeds Such deed shall pass such title as the county commissioners have a right to convey

Section 10 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Donohoe,	Leisey,	Royer,
Ackermann,	Downey,	Levy,	Sarge,
Allen,	Ely,	Leydic,	Sarraf,
Allmond,	Ewing,	Lichtenwalter,	Scanlon,
Alspach,	Falkenstein,	Long,	Schrock,
Andrews,	Fauset,	Lovett,	Schrope,
Atkins,	Finnerty,	Lyons,	Schwab,
Auker,	Fisher,	Madden,	Seif,
Baker,	Fiss,	Malloy,	Serrill,
Balliet,	Flanagan,	Malone,	Shearer,
Balthaser,	Fleming,	Marr,	Simons,
Bardes,	Foor,	Matthews,	Skale,
Bennett,	Freed,	McClester,	Sloan,
Bohn,	Fullerton,	McGarrity,	Snyder,
Boles,	Furman,	McKinney,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,

Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, S. W.,	Harbeson,	Muir,	Thistle,
Brunner,	Harkins,	Munley,	Thompson, E. F.
Burns,	Haudenshield,	O'Brien,	Thompson, G.R.,
Burris,	Henry,	O'Connor,	Tiemann,
Cadwalader,	Hess,	O'Dare,	Tronzo,
Calvin,	Hewitt,	Ominsky,	Trout,
Carpenter,	Hocke,	O'Neill,	VanAllsburg,
Check,	Hoffman, J. N.,	Peacock,	Wagner,
Chervenak,	Hoffman, S. K.,	Peale,	Walsh,
Christler,	Holland,	Powers,	Watkins,
Clark,	Hoyt,	Preston,	Webster,
Clearwater,	Huntley,	Readinger,	Weiss,
Cohen, H. B.,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kilroy,	Rooney,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 1300, as follows:

An Act to amend sections 3 10 13 18 19 and 20 to repeal sections 21 to 30 both inclusive including both sections numbered 24 and to amend sections 33 and 34 of the act approved the fifteenth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" providing that all assignments of magistrates shall be made by the chief magistrate changing the qualifications of magistrates removing certain powers and duties of the city controller and conferring them upon the clerk of the court of quarter sessions authorizing said clerk to employ additional clerks and fixing their salaries further restricting the power to release persons without bail eliminating the provisions of said act which established a civil division of said courts and clarifying the duties of the court of common pleas relative to magistrates' courts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 10 13 18 19 and 20 of the act approved the fifteenth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" are hereby amended to read as follows

Section 3 [No magistrate shall personally engage in any other business or profession or hold any other public office or serve as a representative of any political party in any assembly district senatorial district or congressional district or on the executive committee or any other governing body of any political party organization] Each of the magistrates shall devote his entire time and attention to the duties of his office and no magistrate clerk stenographer or other officer or employe provided for herein shall demand or receive any money or other thing of value for the performance or nonperformance of any of the duties pertaining to his office other than fees and compensation allowed by law

Section 10 There shall be established a central police court in the city hall of the city of Philadelphia which shall be open with a magistrate continually present thereat during the entire twenty-four hours of each day and to which the [mayor of the city of Philadelphia] chief magistrate shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months

Section 13 No magistrate shall release on copy of the charge without entry of bail as hereinafter provided any person arrested charged with any of the crimes specified in section eleven of this act except [operating an automobile while intoxicated] fradulent conversion frequenters of bawdy house or house of assignation and assault and battery In these exceptions to section eleven and in all other cases not specifically mentioned the magistrate may release on a copy of the charge without entry of bail if the circumstances and facts of such case or cases warrant him to do so For the accommodation of the public the director of public safety shall make suitable arrangements for the prompt issuance by the officer in charge of the cell room of the central station or by any other district station house official or such other person as he may designate of certificates or copies of the charge without cost against any person arrested in any police station of the city and all persons arrested shall be given the opportunity to promptly communicate with be interviewed or examined by such persons as they desire

Section 18 Every magistrate before accepting bail secured by read property shall be furnished with a bail certificate issued by the [city controller] clerk of the court of quarter sessions and said certificate shall contain the following information

(a) The name of the owner of the particular property offered to the magistrate as security

(b) The amount of unpaid taxes due thereon

(c) The amount of liens thereon

(d) The assessed value thereof

(e) Whether the same property has heretofore been accepted as security for bail heretofore entered and still in force

It shall further be the duty of the [controller] clerk of the court of quarter sessions to retain a duplicate copy of each bail certificate issued together with the information as to whom the said certificate was issued The magistrate who has finally discharged such person or the

district attorney after the grand jury has ignored the bill or bills of indictment or when the court has disposed of the case shall promptly notify the [controller] said clerk in writing of such final disposition and return the bail certificate to the [controller] clerk

Section 19 If the magistrate is satisfied from the information received from the [controller] clerk of the court of quarter sessions and the justification sworn to by the proposed bondsman that there is sufficient equity in the property tendered as security he may accept the surety or bondsman as bail and thereupon stamp or note upon the deed of the surety or bondsman which said magistrate shall require to be produced before him the fact that bail has been accepted by him the name of the particular case in which it was accepted the date of acceptance and the amount thereof which stamp or notation may only be cancelled by the [city controller] clerk of the court of quarter sessions upon discharge of the bail according to law

Section 20 The [city controller of Philadelphia] clerk of the court of quarter sessions shall provide twenty-four hour service of the information provided in the preceding sections of this act and to enable him to do so said [city controller] clerk is hereby authorized to appoint four additional clerks at an annual salary not exceeding two thousand dollars ($2,000.00) each

Section 2 Sections twenty-one to thirty both inclusive including both sections numbered twenty-four of the said act are hereby repealed absolutely

Section 3 Sections thirty-three and thirty-four of said act are hereby amended to read as follows

Section 33 Within sixty days after this act takes effect it shall be the duty of the board of magistrates to prepare and submit to the judges of the courts of common pleas rules and regulations for the practice and procedure in and the conduct of the business of their courts by the magistrates relative to such matters over which such court has appellate jurisdiction which said rules and regulations shall become valid and binding as such when the same are approved by a majority of the judges of the said courts of common pleas and if the said board of magistrates shall fail or neglect to prepare such rules and regulations and submit the same to the judges of the courts of common pleas for their approval it shall be the duty of the said judges of their own motion to promulgate such rules and regulations which shall be the official rules and regulations of the board of magistrates Said rules and regulations may be added to altered amended or repealed from time to time in the same manner as is herein provided for the adoption of the same The judges of the courts of common pleas may also from time to time of their own motion alter amend or repeal such rules and regulations as may be then in force and promulgate such new rules and regulations as the said judges may deem necessary and proper

Section 34 The judges of the courts of common pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties in order to enable such judges to exercise the powers conferred upon them in the preceding section and for this purpose to issue out of any of the courts of common pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful and proper action in the premises as the said judges may deem necessary

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House, as a friend of the Magistrates of Philadelphia I think I ought to point out some of the defects of this bill.

House Bill 1300, which is now up for consideration, is an amendment to the present Magistrates' Act of 1937. Some of you who were here during the session of 1937 will recall the hectic days through which the Magistrates' Bill went. Finally it was put into shape whereby the citizens of Philadelphia received a law, which helped the situation a great deal as far as the Magistrates of Philadelphia were concerned.

This bill endeavors to change certain phases of that bill. In the first place, the amendment to that bill provides that bail which it was the duty until now to be passed upon by the City Controller, is to be transferred to the office of the Clerk of the Quarter Sessions Court of Philadelphia. You may remember last week I endeavored to insert an amendment in this bill, which perhaps would have been passed if the amendment had been accepted by the House, which would have made this bill a little better to support.

The bail provision as it stands now means this, that the same office which now accepts bail will also pass upon the goodness or badness of the bail. You will recall some time ago in Philadelphia we had a so-called "bail scandal," where straw bail was found throughout Philadelphia in the offices of the Magistrates which later on led to a Grand Jury investigation. I think if this bill is passed with the provision that bail is to be approved by the same office which accepts it, that later on in Philadelphia we may have the same situation, and therefore to guard against that we should be against this bill.

Furthermore this bill provides now that the Chief Magistrate shall pick out the Magistrate who will sit and preside at the central police station, which is at City Hall. Until now the Mayor had that appointment for himself. The reason for it was that the Mayor is still considered the Chief Magistrate of the city of Philadelphia. He was entitled to at least one court wherein the most important cases affecting the entire city of Philadelphia could be heard—the central police station. Furthermore this bill provides, and I want to point this out especially, the proposition that the Magistrates are put back into politics of Philadelphia. The bill of 1937 provided that they should not be active politically.

Members of the House, I wish to point out to you that the provision whereby the Magistrates were not in politics, is now taken out of section 3 in a very astute way by inserting light faced brackets.

This is what it does: If this bill is passed, the administration of justice, and after all justice begins or is supposed to begin in the Magistrates' Courts, wherein the citizens receive or obtain their first hearing, it will mean that the administration of justice will be put back into politics where it was before the act of 1937 was passed, and in that way put that condition and all of the ramifications that go with it, and all of the pressure, on the shoulders of the Magistrates.

This bill, instead of being economical, also provides for additional employes to be added to the payroll of the Clerk of Quarter Sessions, and if we are interested in economy as far as Philadelphia is concerned, we surely should not be for that particular provision, because I feel and I know that most of the Citizens of Philadelphia feel that we already have too many employes in the office of the Clerk of Quarter Sessions.

In addition to that I want to point out to the sponsor

of the bill that as this bill is amended, the title is defective, and if the title is defective the bill naturally would be unconstitutional. The bill provides in the title that all the appointments of Magistrates shall be made by the Chief Magistrate. It also changes the qualifications of Magistrates, removing certain powers. I wish to point out to the membership of the House that the title does not give the intention of this bill because under the old act, Section 11, the appointing power for the divisional magistrates courts still remained in the Director of Public Safety, in consulation with the District Attorney and the Chief Magistrate, so that if this title provides all appointments for the divisional courts shall be by the Chief Magistrate, that to my mind is a defect in the title. Furthermore since this title provides for a change in the qualifications of Magistrates there is nothing in the bill which provides for a change in the qualifications, I say we have two provisions in the title to this bill. The bill as it stands is defective. The bill even if it were amended with these provisions taken out, is a bad bill, and I will ask the members of the House to vote against it.

Mr. RHODES. Mr. Speaker and members of the house, what I want to say is going to be very brief because this bill was debated on second reading.

This bill simply provides that instead of the City Controller certifying the sufficiency of bail bonds, the Clerk of the Quarter Sessions Court will do so. The bill provides that the Chief Magistrate of the city of Philadelphia shall appoint the Magistrates to the Central Police Court instead of the mayor of the city of Philadelphia. This bill permits the Magistrates of the city of Philadelphia to engage in business and in any profession. My good friend, Mr. Ominsky says this bill will put the Magistrates back into politics. As a matter of fact, if the Magistrates were not in politics in 1937 this bill is not putting them back in politics. As far as the amendments which were offered by my good friend, Mr. Ominsky, are concerned, we are of the opinion that the Chief Magistrate is the proper person to make these appointments, and that the Clerk of the Quarter Sessions Court is the proper official to certify the bail bonds, because it simplifies the certifying of the bail bond.

I am not going to talk long on this, I do not think it is necessary. I think the bill speaks for itself. It is perfectly clear and I ask the members of the House to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135

Ackermann,	Fisher,	Lovett,	Seif,
Alspach,	Fiss,	Lyons,	Serrill,
Atkins,	Fleming,	Madden,	Shearer,
Auker,	Foor,	Marr,	Simon,
Balliet,	Freed,	Matthews,	Sloan,
Bennett,	Fullerton,	McClester,	Snyder,
Boorse,	Gates,	McGarrity,	Sollenberger,
Boose,	Gorski,	McKinney,	Stambaugh,
Bower,	Habbyshaw,	McNally,	Stewart,
Boyd,	Haines,	McVay,	Stockham,
Bretherick,	Hall,	Melchiorre,	Sweeney,
Bronson,	Hamilton,	Montgomery,	Tahl,
Brunner,	Harbeson,	Moran,	Taylor,
Cadwalader,	Haudenshield,	Moser, F. S.,	Terry,
Calvin,	Henry,	Moser, J. L.,	Thistle,
Carpenter,	Hewitt,	Muir,	Thompson, G.R.
Check,	Hocke,	O'Brien,	Tiemann,
Christler,	Hoffman, J. N.,	O'Connor,	Trout,
Clark,	Hoyt,	O'Dare,	Van Allsburg,
Clearwater,	Huntley,	Peacock,	Wagner,
Cohen, R. E.,	Imbrie,	Peale,	Watkins,
Cook,	James,	Reagan,	Webster,
Cooper,	Jirolanio,	Reese, D. P.,	Weiss,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Cortese,	Jones,	Riley,	Williams,
Curran,	Kilroy,	Robertson,	Wilson,
Dalrymple,	Kline,	Rose,	Winner,
Denman,	Knoble,	Roseberry,	Wood, H. M.,
Dick,	Kowalski,	Royer,	Wood, L. H.,
Dix,	Krise,	Sarge,	Wood, N.
Donahue,	Lee,	Scanlon,	Woodside,
Downey,	Leisey,	Schrock,	Yeakel,
Ely,	Leydic,	Schrope,	Turner,
Ewing,	Lichtenwalter,	Schwab,	Speaker.

NAYS—25

Achterman,	Broad,	Ominsky,	Rothenberger,
Allen,	Cohen, H. B.,	Preston,	Stank,
Allmond,	Fauset,	Readinger,	Tarr,
Andrews,	Finnerty,	Reese, R. E.,	Walsh,
Balthaser,	Harkins,	Rider,	Welsh, E. B.,
Boles,	Levy,	Rooney,	Welsh, M. J.,
Brancato,	Munley,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 670, Senate Bill No. 206, Printer's No. 93 was passed over at the request of Mr. TROUT.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 832, entitled:

An Act to further amend section four hundred and six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing the method and mode of appointment of mercantile appraisers and the terms therof, in cities of the first class; authorizing the appointment of deputies, clerks and employes, and providing rules and regulations therefor.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to speak on House Bills Nos. 832 and 824 together, since they are companion bills. I think we may conserve the time of this House by so doing.

The SPEAKER. Is there objection? The Chair hears none and the gentleman will proceed.

Mr. OMINSKY. Mr. Speaker and members of the House, we are opposing Bills 832 and 824 for the reason that they are only for the purpose of job grabbing and nothing else. I do not think these bills if passed will serve the people of this Commonwealth to any extent. As a matter of fact they will do some harm in certain instances. I feel that these bills are rippers pure and simple. They provide that the mercantile appraisers in cities of the first class shall be appointed by the Department of Revenue instead of the Auditor General as the law now provides, and it also in doing so makes an exception in counties of the first class, because in all the other sixty-six counties the present condition will prevail, that is, the Auditor General will appoint all of the mercantile appraisers.

I think our good friends on the other side, the Republican majority, are grabbing jobs so often and are endeavoring to take in so many jobs, that they will get what I consider "job indigestion," and it may perhaps have a different affect from what they think they may have by getting these jobs for their workers.

As a matter of fact, the collection is being done by the Revenue Department today, and therefore the auditing of the mercantile accounts should be done by an entirely different department, such as the Auditor General. Therefore I think it is incompatible and inconsistent with good government to have the same department, that is, the Revenue Department, which does the collecting of these taxes, also audit them and assess them. I feel this is generally a bad bill for all the other counties outside of Philadelphia, even though these bills do not affect them at the present time, it will be an opening wedge for future reference, and therefore those who are voting for this bill now, because it does not affect their particular county, it only affects Philadelphia or first class counties, will find that this measure will haunt them at some future time. Therefore if the administration changes and the complexion of the House and Senate changes, another bill may be put in providing that all of the mercantile appraisers in second class counties or third class counties or other counties in the Commonwealth of Pennsylvania, shall be appointed by the Revenue Department, instead of the Auditor General. You will have put yourself on record for a principle, and in order to be consistent you will have to vote for it.

Therefore I say to you men, whose counties are not affected, if you vote for this bill, it will be an opening wedge for future reference, which you will regret.

I ask the membership of the House to vote against both of these bills.

Mr. THISTLE. Mr. Speaker and members of the House, I listened very attentively to my friend from Philadelphia, Mr. Ominsky. I failed to recognize a sufficient reason as to why this House should not pass these closely related bills, 832 and 824. The only reason I could find on the part of my friend was that it was a job grabbing measure. These bills tend for better government, due to the fact that they place the revenue under the jurisdiction of the Secretary of Revenue where it justly belongs. Secondly, it provides for the appointment of mercantile appraisers for a period of four years instead of one year, as previously provided for, giving them the proper length of time and tenure in office to properly do their jobs.

I therefore ask the membership of this House to vote "yes" on these two bills, 824 and 832.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—120

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simon,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lyons,	Snyder,
Bardes,	Foor,	Madden,	Sollenberger,
Bennett,	Freed,	Marr,	Stambaugh,
Boorse,	Gates,	Matthews,	Stewart,
Boose,	Gillan,	McClester,	Stockham,
Bower,	Gillette,	McGarrity,	Sweeney,
Boyd,	Goll,	McNally,	Tahl,
Bretherick,	Habbyshaw,	McVay,	Taylor,
Bronson,	Haines,	Montgomery,	Terry,
Brown, S. W.,	Hall,	Moser, F. S.,	Thistle,
Brunner,	Hamilton,	Moser, J. L.,	Thompson, G.F
Cadwalader,	Harbeson,	Muir,	Tiemann,
Calvin,	Haudenshield,	O'Dare,	Trout,
Christler,	Henry,	Peacock,	VanAllsburg,
Clark,	Hewitt,	Peale,	Wagner,
Clearwater,	Hocke,	Reagan,	Watkins,
Cook,	Hoffman, J. N.,	Reese, D. P.,	Webster,
Cooper,	Hoyt,	Rhodes,	Wilkinson,
Cordier,	Huntley,	Riley,	Wilson,
Cortese,	Imbrie,	Robertson,	Winner,
Curran,	James,	Rose,	Wood, H. M.,
Dalrymple,	Johnston,	Roseberry,	Wood, L. H.,
Denman,	Jones,	Royer,	Wood, N.
Dick,	Kline,	Sarge,	Woodside,
Dix,	Knoble,	Schrock,	Yeakel,
Donahue,	Kowalski,	Seif,	Turner,
Eckels,	Krise,	Serrill,	Speaker.
Ely,			

NAYS—60

Achterman,	Corrigan,	Lovett,	Rothenberger,
Allen,	Donohoe,	Malloy,	Sarraf,
Allmond,	Downey,	Malone,	Scanlon,
Andrews,	Fauset,	Melchiorre,	Schrope,
Baker,	Finnerty,	Mooney,	Schwab,
Balthaser,	Furman,	Munley,	Skale,
Bohn,	Harkins,	O'Brien,	Stank,
Boies,	Hess,	O'Connor,	Tarr,
Boney,	Holland,	Ominsky,	Thompson, E. F.
Brancato,	Jirolanio,	O'Neill,	Walsh,
Broad,	Keenan,	Preston,	Weiss,
Carpenter,	Kenehan,	Reese, R. E.,	Welsh, E. B.,
Check,	Kilroy,	Reynolds,	Welsh, M. J.,
Cohen, H. B.,	Levy,	Rider,	Westrick,
Cohen, R. E.,	Long,	Rooney,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 824, entitled:

An Act to further amend section one of the act approved the seventeenth day of July, one thousand nine hundred and nineteen, (P. L. 1025), entitled "A supplement to an act approved the second day of May, one thousand eight hundred and ninety-nine, (Pamphlet Laws, one hundred and eighty-four), entitled 'An act to

provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax,'" by changing the method and mode of appointment of mercantile appraisers and the terms therof, in cities of the first class; authorizing the appointment of deputies, clerks, investigators and other employes, and providing rules and regulations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simon,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Boose,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G.R.
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	Van Allsburg,
Christler,	Henry,	O'Dare,	Voorhees,
Clark,	Hewitt,	Peacock,	Wagner,
Clearwater,	Hocke,	Peale,	Watkins,
Cook,	Hoffman, J. N.,	Reagan,	Webster,
Cooper,	Hoyt,	Reese, D. P.,	Wilkinson,
Cordier,	Huntley,	Rhodes,	Wilson,
Cortese,	Imbrie,	Riley,	Winner,
Curran,	James,	Robertson,	Wood, H. M.,
Dalrymple,	Johnston,	Rose,	Wood, L. H.,
Denman,	Jones,	Roseberry,	Wood, N.
Dick,	Kane,	Royer,	Woodside,
Dix,	Kline,	Sarge,	Yeakel,
Donahue,	Knoble,	Schrock,	Turner,
Eckels,	Kowalski,	Seif,	Speaker.
Ely,	Krise,	Serrill,	

NAYS—74

Achterman,	Falkenstein,	Malone,	Rosenfeld,
Allen,	Fauset,	Melchiorre,	Rothenberger,
Allmond,	Finnerty,	Mihm,	Sarraf,
Andrews,	Flanagan,	Mooney,	Scanlon,
Baker,	Furman,	Moran,	Schrope,
Balthaser,	Gorski,	Munley,	Schwab,
Bohn,	Harkins,	O'Brien,	Shaw,
Boies,	Hess,	O'Connor,	Skale,
Boney,	Hindman,	Ominsky,	Stank,
Brancato,	Hoffman, S. K.,	O'Neill,	Tarr,
Broad,	Holland,	Powers,	Thompson, E. F.
Carpenter,	Jirolanio,	Preston,	Tronzo,
Chervenak,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kenehan,	Reese, R. E.,	Weiss,
Cohen, R. E.,	Kilroy,	Regan,	Welsh, E. B.,
Corrigan,	Levy,	Reynolds,	Welsh, M. J.,
DeNote,	Long,	Rider,	Westrick,
Donohoe,	Lovett,	Rooney,	Williams,
Downey,	Malloy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1203, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

Whereas It is the duty of the Attorney General to investigate violations or alleged violations of the laws of the Commonwealth and

Whereas Under the laws of the Commonwealth the Attorney General is empowered in his discretion to supersede or act in conjunction with any district attorney in the conduct of any investigation and prosecution of alleged violations of the laws of this Commonwealth and

Whereas In those cases where there exist or it is alleged there exist violations of the criminal laws of the Commonwealth by State officers agents or employes of such nature as to extend throughout the Commonwealth and constitute a matter of grave concern to all citizens of the Commonwealth it is the primary duty of the Commonwealth to bear the expenses of any investigation of such violations and the prosecution of those involved therein therefore.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, this bill contains an appropriation and has not been considered by the Appropriations Committee, I therefore move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1215, as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and institution district hospitals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million five hundred forty-five thousand dollars ($2,545,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and institution district hospitals for and during the two years beginning June first one thousand nine hundred thirty-nine and to pay for any deficiency in the appropriation for the care treatment removal and maintenance of the indigent insane prior to June first one thousand nine hundred thirty-nine

No warrant shall be drawn on this appropriation until the directors trustees or managers of such hospitals shall have made an oath or affirmation to the department a monthly or quarterly report as may be required by the Secretary of Welfare setting forth the actual total number of weeks of service rendered to indigent insane patients in such hospitals respectively during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for "care treatment removal and maintenance" which words as used in this act shall be construed to mean medical and surgical treatment nursing food and clothing

Section 2 It shall be the duty of the directors trustees or managers of such hospitals to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred thirty-nine setting forth the name of each and every indigent insane patient residing in such hospitals respectively on the first day of June preceding Such list shall show the date of

admission or readmission of each such patient the identification number of such patient and the county or institution district from which such patient was admitted

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors trustees or managers of such hospitals shall make an oath or affirmation a report to the Department of Welfare setting forth the name of each indigent insane patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or institution district from which such patient was committed Such report shall also contain the name of each indigent insane patient removed from such hospitals by death discharge or parole together with the identification number of such patient the date of removal and the county or institution district from which such patient was committed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Downey,	Leisey,	Sarge,
Ackermann,	Ely,	Levy,	Sarraf,
Allen,	Ewing,	Leydic,	Scanlon,
Allmond,	Falkenstein,	Lichtenwalter,	Schrock,
Alspach,	Fauset,	Long,	Schrope,
Andrews,	Finnerty,	Lovett,	Schwab,
Atkins,	Fisher,	Lyons,	Seif,
Auker,	Fiss,	Madden,	Serrill,
Baker,	Flanagan,	Malloy,	Shaw,
Balliet,	Fleming,	Malone,	Shearer,
Balthaser,	Foor,	Marr,	Simon,
Bardes,	Freed,	Matthews,	Skale,
Bennett,	Fullerton,	McClester,	Sloan,
Bohn,	Furman,	McGarrity,	Snyder,
Boies,	Gates,	McKinney,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Harkins,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, E. F.,
Burns,	Henry,	O'Brien,	Thompson, G.R.,
Burris,	Hess,	O'Connor,	Tiemann,
Cadwalader,	Hewitt,	O'Dare,	Tronzo,
Calvin,	Hindman,	Ominsky,	Trout,
Carpenter,	Hocke,	O'Neill,	Van Allsburg,
Check,	Hoffman, J. N.,	Peacock,	Wagner,
Chervenak,	Hoffman, S. K.,	Peale,	Walsh,
Christler,	Holland,	Powers,	Watkins,
Clark,	Hoyt,	Preston,	Webster,
Clearwater,	Huntley,	Readinger,	Weiss,
Cohen, H. B.,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kilroy,	Rooney,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.
Donohoe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 41, Printer's No. 573 was passed over at the request of Mr. MATTHEWS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 650, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by providing for the election of county supervisors of agriculture and homemaking the election of principals instructors and lecturers for the Public Service Institute and by further providing for the reimbursement by the Commonwealth of districts of the second third and fourth classes

On the question,

Will the House agree to the bill on third reading?

Mr. ROTHENBERGER. Mr. Speaker, with the consent of the sponsor I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec 2 (Sec. 9), page 6, lines 18, 19 and 20, by striking out with heavy-faced brackets the words "prior to the thirtieth day of June, one thousand nine hundred forty-five"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 223, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays

On the question,

Will the House agree to the bill on third reading?

Mr. LLOYD H. WOOD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (Sec. 1), page 2, lines 18 to 25, by striking

out the words "during July" in line 18, all of lines 19 to 24, and the word "day" in line 25, and inserting in lieu thereof "after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday"

Amend sec. 1 (Sec. 1), page 3, line 16, by striking out the words "full or"

Amend sec. 1 (Sec. 1), page 3, lines 18 to 21, by striking out the words "or if such Saturday is designated" in line 18, both of lines 19 and 20, and the word "day" in line 21

Amend sec. 1 (Sec. 1), page 3, line 25, by striking out the words "a full holiday or"

Amend sec. 1 (Sec 1), page 4, line 27, by inserting after the word "act" the following: And provided further, That any bank may, by a vote of its directors, notice of which shall have been posted in its banking house for not less than fifteen days before the taking effect thereof, observe each Saturday during the months of July and August and the first Saturday of September as full holidays, with like effect hereunder as though such days had been designated as full holidays by the provisions of this act."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1013, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand five hundred ninety-five) entitled "An act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts."

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, for the last five or six months I have listened to Governor James speak of bringing business back to Pennsylvania. I knew he meant what he said and I believed it, but little did I think at that time the business he was going to bring back to Pennsylvania would be the importation of thugs so that they could be used as strike breakers. The history of these yeggs is well known, not only to every member of this House, but to every citizen within the Commonwealth. I might add, even beyond it.

Just about fifteen or twenty minutes ago, as my mind went back to this vicious repealer, I jotted down a few words and they rhyme, and I am going to give them to you this evening. They are as follows:

"Thugs come to Pennsylvania,
We need rough yeggs your size,
A strike is in the making,
'Tis you we'll deputize."

I might add that I have another one I just scribbled, as follows:

"Sing a song of May Day,
Bullets in a gun,
Watched by company deputies,
Labor is having fun.
When the parade is over,
The guns are on the rack,
But men from the House of Labor,
Have been shot down from the back."

That is exactly what is going to happen again in this Commonwealth. Men, think twice before voting for this vicious repealer that is before you on third reading this evening.

Mr. HEWITT. Mr. Speaker, I believe that our Governor had a considerable bunch of friends on hand on November 8.

Mr. WILLIAMS. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Lee.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEE. Mr. Speaker, I yield to Mr. Sweeney.

Mr. WILLIAMS. Mr. Speaker, I desire to ask the gentleman whether he had any complaints about this act of 1937?

Mr. SWEENEY. Mr. Speaker, I haven't had any complaints. I know where there are complaints and why.

Mr. WILLIAMS. Mr. Speaker, will the gentlemen please divulge the source of the complaints?

Mr. SWEENEY. Mr. Speaker, this act which is on the calendar tonight for final passage repeals the act passed by the 1937 Legislature, which prevents the sheriff from hiring deputies unless they have been registered with the prothonotary, their pictures taken, their fingerprints taken, and so forth. This act was passed originally evidently to prevent the sheriff from hiring deputies to displace sit-down strikers. I think everyone will agree that now sit-down strikers are in disrepute over the entire country. You can tell by reading the act we are about to repeal, it refers to nothing but labor troubles. That is the only time the sheriff has to have a deputy photographed, registered, and fingerprinted.

I think every member of this House, whether Democrat or Republican, laboring man or employer, will agree that sit-down strikes are bad not only for labor but for anyone. The sheriff is called upon to perform a duty when anyone invades a plant, they call upon him to displace the invader, and if he is not able to do so, if he cannot perform his duty, he may find himself in the same position as the sheriff of Philadelphia found himself in. He now is subject to a suit by the owner of the plant for failing to carry out his duty.

Mr. WILLIAMS. Mr. Speaker, did not the sheriff of Philadelphia have the right to deputize deputy sheriffs from Philadelphia county who have been residents of that county for a period of two years?

Mr. SWEENEY. Mr. Speaker, not unless he first had them registered with the prothonotary, giving their full names, saying they were citizens, have them photographed, and after all, sit-down strikes take place over night.

Mr. WILLIAMS. Mr. Speaker, didn't the sheriff of Philadelphia county have enough applicants on hand to take care of that situation?

Mr. SWEENEY. Evidently not, he is now being sued by the Apex company.

Mr. WILLIAMS. Mr. Speaker, do they not have any

other source to call for help from within the Commonwealth?

Mr. SWEENEY. Mr. Speaker, under this act he has no right.

Mr. WILLIAMS. Mr. Speaker, could he not have called on the Motor Patrol for help?

Mr. SWEENEY. Mr. Speaker, that I doubt very much. He wouldn't be a deputy sheriff.

Mr. WILLIAMS. Mr. Speaker, does the gentleman from Philadelphia think this will encourage protection for strike breakers?

Mr. SWEENEY. Mr. Speaker, I don't think it will encourage or discourage strikes; I don't think it has anything to do with them. I think if a sit-down strike does take place, then the sheriff will be in a position where he can have deputies to carry out his duties and displace those sit-down strikers and not be subject to a lawsuit.

Mr. WILLIAMS. Mr. Speaker, I don't think he answered my question. I asked him whether or not this would encourage protection for strike breakers.

Mr. SWEENEY. Mr. Speaker, I don't think so, no. I don't see how it would.

Mr. WILLIAMS. Mr. Speaker, and members of the House, if I understand the law of 1937, it did require the filing of an affidavit with the prothonotary together with finger prints, and photographs of persons who were applying to be appointed deputy sheriffs. It also required the man's name, address, and also required that he be a citizen of the United States. We have heard a lot of that. It also required that they be residents of the county for a period of two years.

Mr. Speaker and members of the House, it happens that I am a coal miner and I am not ashamed of it, I came right out of the pits two days before Christmas, and I know something about the old Deputy Sheriff Act, and I know something about the act put through by the legislature in 1937. I worked down in the Monongahela Valley in the mines for a period of fourteen years. I saw deputy sheriffs going in there with deputies who were criminals, had criminal records, men who had been brought from the slums of the cities in other parts of the Commonwealth to protect the industry that desired to break the strike.

I am appealing to the members of this House, regardless of party affiliation, because of the fact that the American Federation of Labor and other labor organizations are protesting this act vehemently. I know if you repeal this law tonight, that you are going to bring labor throughout this Commonwealth down upon this House, because we know they are going to encourage the same sort of police they did in years gone by. I ask the members of this House to vote "no" on this particular bill.

Mr. ANDREWS. Mr. Speaker and members of the House, this repealer, would wipe out one of the meritorious acts passed during the Earle Administration. It is very unfortunate that in questions of this kind partisan notes should be sounded; it is unfortunate that the issue should be drawn as between labor and labor's supposed enemy, and it is unfortunate, Mr. Speaker, that in the discussion of this bill attention should not be centered upon the heart of it, upon the issue that is involved.

The issue that is involved is whether the police power of the Commonwealth of Pennsylvania shall be placed upon the auction block and sold either to private individuals or to corporations. There is nothing in the act that is being repealed that prevents a diligent sheriff from appointing as many deputies as he may need, but the act that is being repealed does provide that when the sheriff of a county appoints deputies, that county pays the deputies. There is no leeway in the bill that is being repealed or is proposed to be repealed whereby deputies enforcing the laws of this Commonwealth may be the paid employes of any corporation. The Act that is being repealed wipes out all corporation storm troopers, all private black shirt or brown shirt brigades. The Act that is being repealed centers the police power in the hands, and under the authority of the official properly responsible for peace in Pennsylvania. The issue is not sit-down strikes, not something that Governor James said or did not say, it is whether we want to go back to the period when it was possible for a sheriff to name an army of deputies who were paid from private sources. That is the heart of the measure that is being repealed and I stand for the measure that is being repealed and against this repealer, because, gentlemen of the House, I repeat, the police power of the Commonwealth of Pennsylvania should not be placed upon the auction block for sale.

Mr. BROAD. Mr. Speaker and members of the House, I would like to make a few remarks on this bill. I had a little experience in the Allegheny Valley at New Kensington in 1919. When William Haddock was sheriff, there was a strike at the Allegheny Steel Company, and he hired a lot of thugs, Eddie Pearson, Joseph Murray, Ford and William Patton, Frank Strabel, Ed. Mannison, and they murdered a lady who was a welfare worker trying to drive the children out of danger. These thugs riddled her full of bullets. That corporation came out in the papers and said that this welfare worker was a Russian, a foreigner. I say to you that her father fought in the Civil War. Here is a picture. This happened to a mother-in-law of mine, my wife's mother, and this shows how she was riddled full of bullets. I want you all to see it. She was riddled with bullets.

My friends, I hope you will not support a bill of this kind. It is terrible to think that you cannot get justice. We took it to the Court, and the sitting judge, Judge Quigley from Indiana county at that time did not believe in unions, and what did he do? He just railroaded them. I hope, members of this House, you will not vote for this bill.

Mr. MORAN. Mr. Speaker and members of the House, very briefly I want to call the attention of the members of the House to the fact that House Bill 1013 would repeal the deputy sheriff law, and would restore the evils that disturbed peace and order and provoked industrial warfare, violence and crime. The bill is against public welfare and I request the members of this House to vote against this measure.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I had not intended to make any remarks on this matter, because I felt as the gentleman from Cambria did, that the mere fact that I was speaking on the measure would identify the bill as a partisan measure.

I feel that the membership of this House can appreciate that even under the previous Republican administrations, there existed in the Commonwealth of Pennsylvania a tremendous reluctance to utilize deputy sheriffs or policemen to protect industrial plants. We all know the disrepute that was brought upon the coal and iron police,

and we all know that the previous Republican administration refused to loan the police power of the Commonwealth to the various coal companies, to the various railroads for the protection of their property. Under those circumstances, this surely is not a measure that should be identified with any party. The previous Republican administration was opposed to those tactics and the past Democratic administration enacted legislation that prohibited the continuation of the police power in the hands of private individuals.

I ask the membership of this House to vote for this repealer, this bill before us, which would repeal the advances that have been made in the Commonwealth of Pennsylvania for the security of all the people of the Commonwealth.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. SWEENEY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1005, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. SETH W. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1211, entitled:

An Act to amend section two of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2772) entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties" creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund providing for the transfer of certain moneys into said fund by the State Treasurer and for the payment of moneys to and the requisition of moneys from said fund by the Bureau of Topographic and Geologic Survey in the Department of Internal Affairs

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker, and members of the House, this bill merely provides the necessary machinery for transferring to the Geologic Survey Fund in the Department of Internal Affairs, money which the bill itself brings in from the records which must be kept by the people drilling deep wells for oil or gas. It was called to my attention by the Department that there was not a satisfactory arrangement in the bill as it originally stood and as I sponsored the original bill which was passed in the last session, I ask all of my colleagues in the House and all of the Democratic members as well, who helped me pass the bill last year, to vote for this amending bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follow, viz:

YEAS—199

Achterman,	Downey,	Leisey,	Sarge,
Ackermann,	Ely,	Levy,	Sarraf,
Allen,	Ewing,	Leydic,	Scanlon,
Allmond,	Falkenstein,	Lichtenwalter,	Schrock,
Alspach,	Fauset,	Long,	Schrope,
Andrews,	Finnerty,	Lovett,	Schwab,
Atkins,	Fisher,	Lyons,	Seif,
Auker,	Fiss,	Madden,	Serrill,
Baker,	Flanagan,	Malloy,	Shaw,
Balliet,	Fleming,	Malone,	Shearer,
Balthaser,	Foor,	Marr,	Simon,
Bardes,	Freed,	Matthews,	Skale,
Bennett,	Fullerton,	McClester,	Sloan,
Bohn,	Furman,	McGarrity,	Snyder,
Boles,	Gates,	McKinney,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Harkins,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, E. F.,
Burns,	Henry,	O'Brien,	Thompson, G.R.,
Burris,	Hess,	O'Connor,	Tiemann,
Cadwalader,	Hewitt,	O'Dare,	Tronzo,
Calvin,	Hindman,	Ominsky,	Trout,
Carpenter,	Hocke,	O'Neill,	Van Allsburg
Check,	Hoffman, J. N.,	Peacock,	Wagner,
Chervenak,	Hoffman, S. K.,	Peale,	Walsh,
Christler,	Holland,	Powers,	Watkins,
Clark,	Hoyt,	Preston,	Webster,
Clearwater,	Huntley,	Readinger,	Weiss,
Cohen, H. B.,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kilroy,	Rooney,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.,
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.

NAYS—1

Donohoe

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1007, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. MADDEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1349 Printer's No. 601, was passed over at the request of Mr. HARKINS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 590, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the power of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within this Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting motor vehicles trailers and semi-trailers of certain orphan schools from payment of fees for certificates of title and registration

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Downey,	Leisey,	Sarge,
Ackermann,	Ely,	Levy,	Sarraf,
Allen,	Ewing,	Leydic,	Scanlon,
Allmond,	Falkenstein,	Lichtenwalter,	Schrock,
Alspach,	Fauset,	Long,	Schrope,
Andrews,	Finnerty,	Lovett,	Schwab,
Atkins,	Fisher,	Lyons,	Seif,
Auker,	Fiss,	Madden,	Serrill,
Baker,	Flanagan,	Malloy,	Shaw,
Balliet,	Fleming,	Malone,	Shearer,
Balthaser,	Foor,	Marr,	Simon,
Bardes,	Freed,	Matthews,	Skale,
Bennett,	Fullerton,	McClester,	Sloan,
Bohn,	Furman,	McGarrity,	Snyder,
Boles,	Gates,	McKinney,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Harkins,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, E. F.,
Burns,	Henry,	O'Brien,	Thompson, G.R.,
Burris,	Hess,	O'Connor,	Tiemann,
Cadwalader,	Hewitt,	O'Dare,	Tronzo,
Calvin,	Hindman,	Cminsky,	Trout,
Carpenter,	Hocke,	O'Neill,	Van Allsburg,
Check,	Hoffman, J. N.,	Peacock,	Wagner,
Chervenak,	Hoffman, S. K.,	Peale,	Walsh,
Christler,	Holland,	Powers,	Watkins,
Clark,,	Hoyt,	Preston,	Webster,
Clearwater,	Huntley,	Readinger,	Weiss,
Cohen, H. B.,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kilroy,	Rooney,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.,
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.
Donohoe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 545, entitled:

An Act to amend section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this

act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Donohoe,	Lee,	Royer,
Ackermann,	Downey,	Leisey,	Sarge,
Allen,	Ely,	Levy,	Sarraf,
Allmond,	Ewing,	Leydic,	Scanlon,
Alspach,	Falkenstein,	Lichtenwalter,	Schrock,
Andrews,	Fauset,	Long,	Schrope,
Atkins,	Finnerty,	Lovett,	Schwab,
Auker,	Fisher,	Lyons,	Seif,
Baker,	Fiss,	Madden,	Serrill,
Balliet,	Flanagan,	Malloy,	Shaw,
Balthaser,	Fleming,	Malone,	Shearer,
Bardes,	Foor,	Marr,	Simon,
Bennett,	Freed,	Matthews,	Skale,
Bohn,	Fullerton,	McClester,	Sloan,
Boies,	Furman,	McGarrity,	Snyder,
Boney,	Gates,	McKinney,	Sollenberger,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Boyd,	Gorski,	Mihm,	Stockham,
Brancato,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Terry,
Brunner,	Harkins,	Muir,	Thistle,
Burns,	Haudenshield,	Munley,	Thompson, E. F.,
Burris,	Henry,	O'Brien,	Thompson, G.R.
Cadwalader,	Hess,	O'Connor,	Tiemann,
Calvin,	Hewitt,	O'Dare,	Tronzo,
Carpenter,	Hindman,	Ominsky,	Trout,
Check,	Hocke,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, J. N.,	Peacock,	Wagner,
Christler,	Hoffman, S. K.,	Peale,	Walsh,
Clark,,	Holland,	Powers,	Watkins,
Clearwater,	Hoyt,	Preston,	Webster,
Cohen, H. B.,	Huntley,	Readinger,	Weiss,
Cohen, R. E.,	Imbrie,	Reagan,	Welsh, E. B.,
Cook,	James,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, R. E.,	Westrick,
Cordier,	Johnston,	Reynolds,	Wilkinson,
Corrigan,	Jones,	Rhodes,	Williams,
Cortese,	Kane,	Rider,	Wilson,
Curran,	Keenan,	Riley,	Winner,
Dalrymple,	Kenehan,	Robertson,	Wood, H. M.,
Denman,	Kilroy,	Rooney,	Wood, L. H.,
DeNote,	Kline,	Rose,	Wood, N.,
Dick,	Knoble,	Roseberry,	Woodside,
Dix,	Kowalski,	Rosenfeld,	Yeakel,
Donahue,	Krise,	Rothenberger,	Turner, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 455, Printer's No. 607 and House Bill No. 459, Printer's No. 602 were passed over at the requestion of Mr. DIX.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 445, entitled:

An Act to amend section six hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commisisons and officers thereof including Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by making a change in the time of submission of the State budget.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Donohoe,	Lee,	Royer,
Ackermann,	Downey,	Leisey,	Sarge,
Allen,	Ely,	Levy,	Sarraf,
Allmond,	Ewing,	Leydic,	Scanlon,
Alspach,	Falkenstein,	Lichtenwalter,	Schrock,
Andrews,	Fauset,	Long,	Schrope,
Atkins,	Finnerty,	Lovett,	Schwab,
Auker,	Fisher,	Lyons,	Seif,
Baker,	Fiss,	Madden,	Serrill,
Balliet,	Flanagan,	Malloy,	Shaw,
Balthaser,	Fleming,	Malone,	Shearer,
Bardes,	Foor,	Marr,	Simon,
Bennett,	Freed,	Matthews,	Skale,
Bohn,	Fullerton,	McClester,	Sloan,
Boies,	Furman,	McGarrity,	Snyder,
Boney,	Gates,	McKinney,	Sollenberger,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Boyd,	Gorski,	Mihm,	Stockham,
Brancato,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Terry,
Brunner,	Harkins,	Muir,	Thistle,
Burns,	Haudenshield,	Munley,	Thompson, E. F.,
Burris,	Henry,	O'Brien,	Thompson, G.R.,
Cadwalader,	Hess,	O'Connor,	Tiemann,
Calvin,	Hewitt,	O'Dare,	Tronzo,
Carpenter,	Hindman,	Ominsky,	Trout,
Check,	Hocke,	O'Neill,	Van Allsburg
Chervenak,	Hoffman, J. N.	Peacock,	Wagner,
Christler,	Hoffman, S. K.,	Peale,	Walsh,
Clark,,	Holland,	Powers,	Watkins,
Clearwater,	Hoyt,	Preston,	Webster,
Cohen, H. B.,	Huntley,	Readinger,	Weiss,
Cohen, R. E.,	Imbrie,	Reagan,	Welsh, E. B.,

Cook,	James,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, R. E.,	Westrick,
Cordier,	Johnston,	Reynolds,	Wilkinson,
Corrigan,	Jones,	Rhodes,	Williams,
Cortese,	Kane,	Rider,	Wilson,
Curran,	Keenan,	Riley,	Winner,
Dalrymple,	Kenehan,	Robertson,	Wood, H. M.,
Denman,	Kilroy,	Rooney,	Wood, L. H.,
DeNote,	Kline,	Rose,	Wood, N.,
Dick,	Knoble,	Roseberry,	Woodside,
Dix,	Kowalski,	Rosenfeld,	Yeakel,
Donahue,	Krise,	Rothenberger,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

Mr. STOCKHAM. Mr. Speaker, I desire to call up at this time Resolution No. 73, Printers No. 480.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 24, 1939.

Whereas, during the 1937 Session of the General Assembly there was passed a new law for the regulation of public utilities, known as the Public Utility Law, which Act superseded and repealed the Public Service Company Law which had been in effect since January 1, 1914; and

Whereas, a number of provisions of the Public Utility Law of 1937 have been the subject of judicial review and have been held by State or Federal Courts to be unconstitutional, as the result of which amendatory legislation was passed at the special session of 1938, designed to correct some of the unconstitutional provisions; and

Whereas, other provisions of this 1937 law are alleged to extend beyond the scope of reasonable and proper regulation of the utilities in that they unduly invade the field of management, impose upon utilities the burden of furnishing costly reports or conforming to procedures of doubtful value in the determination of reasonable rates and adequate service, retard the development and expansion of utility properties and facilities, discourage investment in utility securities, and present questions which may involve the Commonwealth and the utilities, and indirectly the ratepayers, in protracted and costly litigation, thereby retarding future reductions in utility rates; and

Whereas, the best interests of the Commonwealth, the rate payer, the utilities, and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth, require that a careful, comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes, if any, should be made in said Law to make it fair, just and reasonable in its application to all concerned. Therefore be it

Resolved (if the Senate concur) that the Attorney General be and is hereby requested to undertake and prosecute a thorough and impartial study of the Public Utility Laws of this and other states, ascertain the viewpoints of the Public Utility Commission, other regulatory bodies, the public, the utilities affected, and others, as to the proper concepts to be applied in the field of utility regulation, consider the effect and trend of judicial decisions in the public utility field and the questions involved in pending litigation, and ascertain what, if any, amendments should be made to the Public Utility Law in order to secure adequate, proper and sound regulation of utilities in the public interest, which will, at the same time, encourage investment in utility securities and aid in a program of expansion and economic recovery in this Commonwealth.

Resolved that the Attorney General be requested to report the results of his study and investigation of the Public Utility law, together with such proposed legislation as he deems proper for consideration, to the next Regular Session of the General Assembly.

On the question.

Will the House adopt the resolution?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk.

Amend first Resolved Clause, page 2, line 4, by inserting after the word "states" the following: "and a comparison of both local and state taxation, affecting public utilities in other states, and public utility rates in other states.'

Amend second Resolved Clause, page 3, line 5, by inserting after the word "Assembly" the following: "and that all correspondence regarding this report be kept intact and will be open to inspection and perusal by request on the part of any member of the House of Representatives."

On the question,

Will the House agree to the amendments?

Mr. STOCKHAM. Mr. Speaker and members of the House, these amendments, I believe, are not at all necessary to be incorporated in this resolution. The resolution is all-inclusive in itself. I believe every fact that can be desired, every bit of information that this House may need may be had as a result of the resolution itself as it is. I ask that these amendments be voted down.

Mr. HOLLAND. Mr. Speaker and members of the House, I believe when Mr. Stockham said the resolution was all-inclusive it really covers only information that would be favorable to the utilities of Pennsylvania. One of the reasons is that when a comparison of rates is made it is necessary to compare taxes paid by utilities in other states. Although I do not doubt the honesty of the Attorney General, I believe one man's interpretation should not be taken as final. It should be the privilege of every member of this House to inspect or read any correspondence that may be gathered by the Attorney General. That is why I am asking that all correspondence pertaining to this resolution be kept intact so that any Representative of this House can go to the Attorney General's office and read for himself the information gathered, because we all know that two interpretations can be placed upon one letter, especially if that interpretation is being dictated by some utility that has its own interests at heart instead of that of the people of Pennsylvania. Therefore I do not believe these amendments will hurt Mr. Stockham's resolution. In fact they will make it stronger because after all I believe the people of Pennsylvania want the true story, and that is all I am asking for when I ask that these amendments be placed in his resolution.

Mr. HARKINS. Mr. Speaker and members of the House. I rise to support these amendments, because I think the resolution is a good one. However, I think the author of the resolution has chosen the study made by a person who should not properly make such a study. I believe this study could be more properly made by a commission of this House, or by a joint legislative commission, jointly appointed by the House and the Senate.

The trouble with this resolution as I see it is that after we get through with it, and the Attorney General performs his work, we will after all have the private and personal viewpoint of the Attorney General or of the Deputy Attorney General especially assigned to the task. I submit to the members of this House that we will probably only have a survey of the laws existing in other states and the law of this state.

Mr. Speaker and members of the House, the amend-

ments proposed by Representative Holland will only assure the membership of the next House of Representatives of having a comparsion of taxation on real estate owned by utilities in this state with taxes paid by public utilities in other states. It seems to me the second amendment proposed by Representative Holland is thoroughly justifiable in view of the fact that the data collected by the Attorney General must be analyzed and must be interpreted, and if we are to receive a report by anyone particular administrative officer and if that report is to be of any value to the membership of the next House, I submit that the data backing up the inferences and conclusions reached by the Attorney General should be open and available for the inspection of the members of the House.

I think, Mr. Speaker, the resolution is good as far as it goes, but I believe these amendments will make the resolution better, and since it evidently is the will of the majority of the House, at least of the Committee, that the study be made by one man, I think we ought to have the amendments proposed by the gentleman from Allegheny Mr. Holland, adopted so that we can get some good results from this survey.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. ACHTERMAN. I wish, Mr. Speaker to call the attention of the members to the last "Whereas" clause of the Resolution which provides as follows:

> "Whereas the best interests of the Commonwealth the rate payer the utilities and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth require that a careful comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes if any should be made in said Law to make it fair just and reasonable in its application to all concerned therefore be it"

Mr. Speaker, if I felt that this resolution had been introduced for the purpose of actually accomplishing some constructive good, I would certainly vote for it, but in view of the activity on the part of the Governor and his administration in relation to the Public Utility Commission, I cannot but conclude that it just represents some more sniping on the part of the majority party.

Referring to the "Whereas" clause, I just mentioned, may I read into the record what the Public Utility Commission has done for the consumer in less than two years time.

> Millions of dollars are being saved annually by Pennsylvania utility customers because of rate reductions ordered by the Public Utitlity Commission since it took office in April, 1937.
>
> Still other millions of dollars, the exact amount unestimated, customer money held by utilities as deposits, have been returned to the public following Commission rulings based on the Public Utility Law. Annual bills of electric customers alone have been cut more than $10,000,000 a year. The total annual savings the figures are as of March 1, 1939, affected during the period in which the present Commission has functioned were distributed as follows:

Electric	$10,681,054.42
Telephone	411,342.91
Gas	133.630.16
Water	198,124.83
Steam Heat	40,104.21
Telegraph	94,000.00
Toll Bridges	25,000.00
Total	$11,583,256.53

> Of this total $10,164,613.67 are directly from Commission orders. These are savings resulting from tariffs actually filed with the Commission and now in effect.
>
> Appeals taken from Commission orders by the utilities named below are depriving the public of an additional million dollars in annual savings:
>
> Bell Telephone Company of Pennsylvania .. $600.000
> Edison Light & Power Company 435,000
> Beaver Valley Water Company 32.000
>
> On representations from the Commission The Bell Telephone Company of Pennsylvania and the Pennsylvania Telephone Corporation have eliminated the extra charge of 25 cents a month for hand-set telephone instruments, saving subscribers approximately $300,000 a year.
>
> Following suggestions from the Commission, the smaller telephone companies in the state are rapidly eliminating this extra charge. To date, 24 of these companies, following conferences with the Commission have removed this extra charge from their subscribers' bills.
>
> The Commission has relieved the customer of the burden of carrying the unfair nuisance charges and requirements heretofore found in utility tariffs. The power to do this is contained in the Public Utility Law.
>
> Deposits must be returned to the depositor when he has paid undisputed bills for service over a period of 12 consecutive months. beginning at any time subsequent to June 1, 1936. This regulation has forced return of millions of dollars to Pennsylvania utility patrons.
>
> The Commission has ruled that interest on deposits must be paid at the rate of 6 per cent a year without deduction for any taxes. Upon deposits held for more than a year, the company is required to pay the depositor the accrued interest at the end of each calendar year.
>
> The practice of many telephone and water companies to require monthly, quarterly or semi-annual advance payments has been banned. Advance payment for telephone service rendered at a coin booth or at a station served by an attendant is permitted as is payment in advance for gas rendered through a prepayment meter.
>
> Ready-to-serve charges are "out", except that in the case of electric companies such charges may be imposed if based on kilowatts of demand. Minimum or initial charges are allowed but they must include a given amount of service.

Then, may I again, Mr. Speaker, call to the attention of the members of the House the decision of the United States Supreme Court in a case that originally arose in York county? I cannot help but conclude, Mr. Speaker, that this, as I referred to before, is simply a bit of sniping legislation, is not in good faith and is for the purpose of putting utilities back in the saddle once again. I therefore ask my colleagues to oppose this resolution.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Herbert B Cohen and Mr. Achterman and were as follows:

YEAS—122

Ackermann,	Fleming,	Leisey,	Shearer,
Alspach,	Foor,	Leydic,	Simon,
Atkins,	Freed,	Lichtenwalter,	Sloan,
Bardes,	Fullerton,	Lyons,	Snyder,
Bennett,	Gates,	Madden,	Sollenberger,
Boorse,	Gillan,	Marr,	Stambaugh,
Boose,	Gillette,	Matthews,	Stewart,

Bower,	Goll,	McClester,	Stockham,
Boyd,	Habbyshaw,	McGarrity,	Sweeney,
Bretherick,	Haines,	McKinney,	Tahl,
Bronson,	Hall,	McNally,	Taylor,
Brown, S. W.,	Hamilton,	McVay,	Terry,
Brunner,	Harbeson,	Montgomery,	Thistle.
Cadwalader,	Harkins,	Moser, F. S.,	Thompson, G.R.
Calvin,	Haudenshield,	Moser, J. L.,	Tiemann,
Carpenter,	Henry,	Muir,	Trout,
Christler,	Hewitt,	O'Dare,	Van Allsburg,
Clark,,	Hocke,	Peacock,	Wagner,
Clearwater,	Hoffman, J. N.,	Peale,	Watkins,
Cook,	Hoyt,	Reagan,	Webster,
Cooper,	Huntley,	Reese, D. P.,	Wilkinson,
Cordier,	Imbrie,	Rhodes,	Wilson,
Dalrymple,	James,	Riley,	Winner,
Denman,	Johnston,	Robertson,	Wood, H. M.,
Dick,	Jones,	Rose,	Wood, L. H.,
Dix,	Kane,	Roseberry,	Wood, N.,
Donahue,	Kline,	Royer,	Woodside,
Ely,	Knoble,	Sarge,	Yeakel,
Ewing,	Kowalski,	Schrock,	Turner,
Fisher,	Krise,	Seif,	Speaker.
Fiss,	Lee,	Serrill,	

NAYS—66

Achterman,	Falkenstein,	Mihm,	Rosenfeld,
Allmond,	Fauset,	Mooney,	Rothenberger,
Andrews,	Finnerty,	Moran,	Sarraf,
Baker,	Furman,	Munley,	Scanlon,
Bohn,	Gorski,	O'Brien,	Schwab,
Boies,	Hess,	O'Connor,	Shaw,
Boney,	Hindman,	O'Keefe,	Stank,
Brancato,	Holland,	Ominsky,	Tarr,
Broad,	Jirolanio,	O'Neill,	Thompson, E. F.,
Burns,	Keenan,	Powers,	Tronzo,
Check,	Kenehan,	Preston,	Walsh,
Chervenak,	Kilroy,	Readinger,	Weiss,
Cohen, H. B.,	Levy,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Lovett,	Reynolds,	Welsh, M. J.,
Corrigan,	Malloy,	Rider,	Westrick,
DeNote,	Malone,	Rooney,	Williams,
Donohoe,	Melchiorre,		

So the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

ADDRESS BY MR. WILLIAMS

Mr. WILLIAMS asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, last night in this city a state-wide convention of labor was held and many of us, not being members of labor organizations, probably have not noticed what has taken place at the convention, so as a member of the organization I will try and advise this House what has taken place:

The Pennsylvania Industrial Union Council, representing more than 500,000 workers in the great industries and miscellaneous trades of the State, met in annual convention Tuesday, May 2, in Harrisburg.

As its first piece of business, the convention adopted this resolution:

"Address to the Governor, Lieutenant Governor and Speaker of the House.

"Resolved, That this convention of the Pennsylvania Industrial Union Council stand ready to recess at a time convienent to Honorable Arthur H. James, Governor, Honorable Samuel S. Lewis, Lieutenant Governor, presiding officer of the State Senate, and Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly, in order to attend in a body upon them and petition against the repeal of the social, labor and humane legislation now on the statute books.

"This convention directs the President of the Pennsylvania Industrial Union Council to act as our spokesman in pointing out that too much of our State's industrial history has been written in the violent terms of primitive warfare, through use of force and coercion to impose unfair conditions upon the workers and the public. Increasing economic inequality hastened the collapse of business. It was then that the General Assembly, chosen by the people, came forth to remove the wrongs from which the State suffered.

"Legislation thus enacted has turned the page on the dark past. Lockouts and strikes have greatly diminished. Disputes have been handled with due recognition of civil rights. Settlement of differences have been made by amicable agreements.

"Now we are at a possible turning point. The General Assembly is in session. Bills have been introduced which, if passed and signed by the Governor, will have the State reverse its steps and retreat to the arena of industrial conflict.

"Speaking for the workers in the vast industries of our State, this convention asks that the Governor, Lieutenant Governor and Speaker of the House of Representatives heed our plea that there be no repeal or restriction of the measures which the people's legislature, serving conscientiously in a time of great distress, deemed to be necessary and sound.

"We ask that the old, dead past be left buried. Let Pennsylvania continue to encourage the free association and self-organization of labor, the establishment of better standards of employment for the promotion of business recovery, and the furtherance of collective relationships as the enduring basis for industrial peace and order within our Commonwealth."

This communication referred to the following:

Liberal Legislation Restrictions and Repeals

Civil and Labor Rights

Bureau of Civil Rights and Public Information H. 326, McKinney.

Labor Relations H. 1099, Sloan; H. 910, Peale; H. 1076, Peale; H. 1374, Carpenter; S. 580, Heyburn.

Labor Anti-Injunction H. 1140, Gillan.

Deputy Sheriffs and other Peace Officers S. 321, Stevenson; H. 1013, Lee; S. 548, Stevenson; S. 472, Geltz; S. 755, Geltz.

Labor Standards

Workmen's Compensation H. 1030, Wilson; H. 1031, Wilson; H. 1401, Wilson, and any other bills reducing benefits and eliminating safeguards of the 1937-1938 law.

Industrial Homework H. 904, Hall.

Woman's 44-Hour Law H. 496, Gillan.

Education, Teachers Tenure S. 45, (unless amendments are satisfactory to the teachers), Edmonds; S. 370, Geltz; S. 416, Farrell.

Social Security

Unemployment Compensation H. 931, Curran; H. 1384, Gillan; H. 1385, Trout; S. 581, Heyburn.

Old Age Assistance H. 918, Boose; S. 586, Owlett.

Relief H. 867, Van Allsburg.

Civil Service S. 234, Tallman; S. 233, Tallman; H. 566, Kenehan and O'Neill; H. 278, Powers.

Up to the time of adjournment, Thursday, May 4, at 1:00 P. M., no response had been received from the Governor or any of the other State officials addressed.

Thus the petition of our organization, speaking for more than one half million of the State's working people, was arbitrarily denied.

Legislation now on the statute books, to which reference is made, is of the most vital concern to the vast army of citizens upon whose labor so largely rests the productive industries and the creative prosperity of the State and the material well being of its population.

Bills are proposed which will cripple these measures or rip them out altogether. They are being speeded to enactment with indecent haste.

We petition that you grant a public hearing on each of these bills.

Over and above that, we ask that you cast your votes against each bill listed above which attacks equal rights to labor and civil liberties, attacks which would destroy labor standards and tear up the road toward social security.

We urge that you vote to prevent a great wrong being done to our one-half million workers and their dependents to the still larger numbers who will be affected adversely, and especially to those, the innocent victims of the industrial depression, who stand to be branded as paupers, humiliated and disgraced, instead of being treated as human beings and dealt with justly as men and women.

Very truly yours,

JOHN A. PHILLIPS, President
LESTER THOMAS, Secretary

RESOLUTION

RECALLING HOUSE BILL NO. 480 FROM THE GOVERNOR

Mr. FLEMING offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 8, 1939.

Resolved (if the Senate concur), that House Bill No. 480, Printer's No. 584, entitled "An act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of civil Service Commissions for such purpose in said cities and repealing inconsistent legislation," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. BOWER, from the Committee on Constitutional Amendments reported as committed, House Bill No. 990, entitled:

A Joint Resolution proposing an amendment to section eight, article four, and to add an additional section to article ten of the Constitution of Pennsylvania.

Mr. McKINNEY from the Committee on Constitutional Amendments reported as committed, House Bill No. 521, entitled:

A Joint Resolution proposing amendments to sections sixteen and seventeen of article two of the Constitution of the Commonwealth of Pennsylvania.

Mr. WATKINS from the Committee on Appropriations reported as committed, House Bill No. 1451, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to lease from the General State Authority, any bridge and road project constituting a connecting link across a river between two existing state highways; providing for the operation of such bridge as a toll bridge; and appropriating moneys from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project.

Mr. ALSPACH from the Committee on Constitutional Amendments reported as committed, House Bill No. 898, entitled:

A Joint Resolution proposing an amendment to article nine, section fifteen, of the Constitution of the Commonwealth of Pennsylvania.

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 1424, entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 1425, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 1426, entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

BILLS ON FIRST READING

Mr. BOWER asked and obtained unanimous consent to have the following bills read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1424, entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. BOWER asked and obtained unanimous consent to have House Bill No. 1425 read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1425, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. BOWER asked and obtained unanimous consent to have House Bill No. 1426 read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1426, entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FINNERTY.

The House resumed the consideration on third reading of House Bill No. 697, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—172

Achterman,	Donohoe,	Long,	Sarraf,
Ackermann,	Downey,	Lovett,	Scanlon,
Allen,	Ely,	Lyons,	Schrock,
Allmond,	Ewing,	Madden,	Schrope,
Alspach,	Falkenstein,	Malloy,	Schwab,
Andrews,	Fauset,	Malone,	Seif,
Atkins,	Finnerty,	Matthews,	Serrill,
Auker,	Fisher,	McClester,	Shaw,
Baker,	Fiss,	McGarrity,	Simons,
Balliet,	Flanagan,	McKinney,	Skale,
Balthaser,	Fleming,	McNally,	Snyder,
Bardes,	Freed,	McVay,	Sollenberger,
Bohn,	Fullerton,	Melchiorre,	Stank,
Boles,	Furman,	Mihm,	Stewart,
Boney,	Gates,	Montgomery,	Sweeney,
Boose,	Gillan,	Mooney,	Tahl,
Bower,	Goll,	Moran,	Tarr,
Boyd,	Hall,	Moser, F. S.,	Taylor,
Brancato,	Harkins,	Moser, J. L.,	Terry,
Bretherick,	Haudenshield,	Munley,	Thistle,
Broad,	Henry,	O'Brien,	Thompson, E. F.,
Bronson,	Hess,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Hindman,	O'Dare,	Tiemann,
Brunner,	Hocke,	Ominsky,	Tronzo,
Burns,	Hoffman, J. N.,	O'Neill,	Trout,
Calvin,	Huntley,	Peacock,	Wagner,
Carpenter	Imbrie,	Peale,	Walsh,
Check,	James,	Powers,	Watkins,
Chervenak,	Jirolanio,	Preston,	Webster,
Christler,	Johnston,	Readinger,	Weiss,
Clark	Kane,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	Keenan,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Kenehan,	Reynolds,	Westrick,
Cooper,	Kilroy,	Rhodes,	Wilkinson,
Cordier,	Kline,	Rider,	Williams,
Corrigan,	Knoble,	Riley,	Wilson,
Cortese,	Kowalski,	Robertson,	Winner,
Curran,	Krise,	Rooney,	Wood, H. M.,
Dalrymple	Lee,	Roseberry,	Wood, L. H.,
Denman,	Leisey,	Rosenfeld,	Woodside,
DeNote,	Levy,	Royer,	Turner,
Dick,	Leydic,	Sarge,	Speaker.
Donahue,	Lichtenwalter,		

NAYS—29

Bennett,	Foor,	Holland,	Rothenberger,
Boorse,	Gilette,	Hoyt,	Shearer,
Burris,	Habbyshaw,	Jones,	Sloan,
Cadwalader,	Haines,	Marr,	Stambaugh,
Cohen, H. B.,	Hamilton,	Muir,	Stockham,
Cook,	Harbeson,	Reagan,	Van Allsburg,
Dix,	Hewitt,	Rose,	Wood, N.,
			Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FINNERTY.

The House resumed the consideration on third reading of House Bill No. 700, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for services rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" by changing the provisions as to fees charged apprentices and students requiring all barber shops to be registered and transferring the administration of several the provisions of this act to the State Board of Barbers Examiners

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—73

Ackermann,	Fleming,	Montgomery,	Scanlon,
Allen,	Foor,	Mooney,	Schwab,
Allmond,	Freed,	Moran,	Seif,
Baker,	Hess,	Munley,	Shaw,
Bardes,	Hoffman, S. K.,	O'Connor,	Sweeney,
Bennett,	Huntley,	O'Dare,	Tarr,
Bohn,	Imbrie,	Ominsky,	Thistle,
Boney,	Kenehan,	Powers,	Thompson, E. F.,
Boose,	Kilroy,	Preston,	Tiemann,
Broad,	Kline,	Readinger,	Tronzo,
Brown, S. W.,	Knoble,	Reese, R. E.,	Walsh,
Burris,	Lovett,	Reynolds,	Webster,
Check,	Lyons,	Rhodes,	Weiss,
Chervenak,	Malloy,	Rider,	Welsh, E. B.,
Corrigan,	Malone,	Robertson,	Welsh, M. J.,
Dalrymple,	McClester,	Rooney,	Westrick,
Dick,	McGarrity,	Rose,	Williams,
Dix,	McNally,	Rosenfeld,	Turner,
Finnerty,	McVay,	Sarraf,	Speaker.

NAYS—32

Andrews,	Hall,	Kowalski,	Shearer,
Bronson,	Henry,	Krise,	Stewart,
Cadwalader,	Hewitt,	Reese, D. P.,	Stockham,
Clark,	Hocke,	Riley,	Thompson, G. R.,
Cook,	Holland,	Roseberry,	VanAllsburg,
Fisher,	Hoyt,	Rothenberger,	Wood, N.,
Habbyshaw,	James,	Schrock,	Woodside,
Haines,	Jones,	Schrope,	Yeakel,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

ADDRESS BY MR. GATES

Mr. GATES asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in the last two or three weeks several of the large metropolitan newspapers have seen fit to publish certain editorials in which they have mentioned certain legislation proposed by certain members of the House and certain members of the Senate. It is not my purpose to have any controversy with newspapermen, they go to press too often, but last Saturday I was pleased to pick up a paper issued in the city of Harrisburg, edited by a very fine gentleman of our state, and I would like to read for the benefit of the members of the House and have it incorporated in the Legislative Journal this editorial which appeared in Saturday's issue, May 6, of the "Patriot," a newspaper of Harrisburg.

Was Only the Sabbath Available?

Comes another Sunday tomorrow to make many persons wonder anew why that day just a week ago was chosen to open the New York World's Fair. Why a Sunday to open such an exposition? There are six other days in the week any one of them more appropriate than that day which by Bibical mandate and the strong traditions of this Nation, is set aside for a different purpose.

Is the explanation that the "continental Sabbath" is entrenching itself in this Nation, a Sabbath stripped of all its spiritual atmosphere, its whole purpose being dedicated to temporal things?

Europe for years and years has been observing the "continental Sabbath". Look at Europe today. Is there or is there not any relationship between the way it values things of the spirit and the constant turmoil, hatred and antagonisms with which those nations are forever wrestling? History, both sacred and secular, gives the evidence of what happens to a godless people and to nations which regard the Sabbath as a mere fancy of those who compile church calendars.

The growing readiness in the United States to select Sunday as "just another day" or a day, more fitting than any other, for such spectacles as the opening of the New York World's Fair strikes a warning that cannot with safety to the national welfare be blithely ignored.

In this world there are things of the spirit as surely as there are things of the flesh and to disregard the former and cherish only the latter is setting the national compass not only away from the course set by the founders of a great Nation but toward the inescapable shoals on which prior civilizations have been wrecked. This Country will profit by taking new soundings and measuring its drift with a dangerous current.

Thank you.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 8, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week that it reconvene on Monday evening May 15, 1939 at eight o'clock, Eastern Standard Time, and when the House of Representatives adjourns this week it reconvene on Monday evening, May 15, 1939, at eight o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 317.

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphelt Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 317.

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphelt Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

SENATE BILL No. 661.

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

SENATE BILL No. 662.

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Appropriations, Tuesday, May 9, at 11:30 a. m., in Room 326-B.

Building and Loan, Tuesday, May 9, at 11:30 a. m., in Room 147.

Insurance, Wesnesday, May 10, at 10:30 a. m., in Room 823.

Judiciary General, Tuesday, May 9, at 9 a. m., in Room A.

Mines and Mining, Tuesday, May 9, after session in Room A.

ADJOURNMENT

Mr. ALLMOND. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 11:08 p. m.) the House adjourned until Tuesday, May 9, 1939, at 12 noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., TUESDAY, MAY 9, 1939. No. 51.

SENATE

TUESDAY, May 9, 1939.

The Senate met at 3:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

"The earth is the Lord's and the fullness thereof; the world, and they that dwell therein. For he hath founded it upon the seas, and established it upon the floods. Who shall ascend into the hill of the Lord? Or who shall stand in His Holy place? He that hath clean hands and a pure heart; who hath not lifted up his soul unto vanity, nor sworn deceitfully. He shall receive the blessing from the Lord, and righteousness from the God of his salvation."

Herein definitely dost Thou give us the picture of those whom Thou shalt bless along the way of our earthly pilgrimage.

May we bless others through Thy blessings to us in that what we see of beauty this day it may remind us of Thy beauty. Whatever of goodness we see this day may it remind us of Thy goodness. Whatever of love and kindness we meet in this day may it bring us to Thee who art Love and Infinite Kindness.

Though our names may never reach the front page of the press may they be written in the Lamb's Book of Life that through the constancy of a child-like faith in Thee we may have done our simple duty and lived a clean life and be forever with Thee. May this be the earnest prayer of each of us this day. For Jesus' sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FREY and Mr. OWLETET, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. FREY asked and obtained leave of absence for the Senator from Berks, Mr. RUTH, for today.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

URGING PASSAGE OF HOUSE BILL NO. 305

Communication from Mrs. V. Pescatore, 534 S. Conestoga Street, Philadelphia, urging passage of House Bill No. 305, to prohibit the sale of fireworks.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 8, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 15, 1939, at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 15, 1939. at eight o'clock, Eastern Standard Time.

HOUSE CONCURS IN SENATE BILL NO. 138

He also returned to the Senate, Senate Bill No. 138, entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds and fixing a penalty for violation thereof.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 138, entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 445, (Senate Bill No. 984), entitled:

An Act to amend section six hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929" by making a change in the time of submission of the State budget.

Which was committed to the Committee on State Government.

House Bill No. 543, (Senate Bill No. 985), entitled:

An Act to amend the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "Delinquent Tax Sales Act of 1931" by further regulating the lien of such taxes; removing the right to revive, extend or continue such liens; prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens; changing the period of redemption on properties purchased at such sales by the county, and requiring the county commissioners to sell such properties within a certain period of time.

Which was committed to the Committee on County Government.

House Bill No. 545, (Senate Bill No. 986), entitled:

An Act to amend section one thousand and four of act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

Which was committed to the Committee on Highways.

House Bill No. 590, (Senate Bill No. 987), entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," exempting motor vehicles, trailers and semi-trailers of certain orphan schools, from payment of fees for certificates of title and registration.

Which was committed to the Committee on Highways.

House Bill No. 824, (Senate Bill No. 988), entitled:

An Act to further amend section one of the act approved the seventeenth day of July one thousand nine hundred and nineteen (P. L. 1025) entitled "A supplement to an act approved the second day of May one thousand eight hundred and twenty-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" by changing the method and mode of appointment of mercantile appraisers and the terms thereof in cities of the first class authorizing the appointment of deputies clerks investigators and other employes and providing rules and regulations

Which was committed to the Committee on Finance.

House Bill No. 832, (Senate Bill No. 989), entitled:

An Act to further amend section four hundred and six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "Fiscal Code" by changing the method and mode of appointment of mercantile appraisers and the terms thereof, in cities of the first class; authorizing the appointment of deputies, clerks and employes, and providing rules and regulations therefor.

Which was committed to the Committee on Finance.

House Bill No. 1211, (Senate Bill No. 990), entitled:

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2772), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed feès; and providing fees and penalties," creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund, by the State Treasurer, and for the payment of moneys to, and the requisition of moneys from said fund by the Bureau of Topographic and Geologic Survey in the Department of Internal Affairs.

Which was committed to the Committee on State Government.

House Bill No. 1215, (Senate Bill No. 991), entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal and maintenance of the indigent insane in county and institution district hospitals.

Which was committed to the Committee on Appropriations.

House Bill No. 1330, (Senate Bill No. 992), entitled:

An Act to amend sections 3, 13, 18, 19 and 20, to repeal sections 21 to 30, both inclusive, including both sections numbered 24, and to amend sections 33 and 34, of the act, approved the fifteenth day of June, one thousand nine hundred thirty-seven (P. L. 1743), entitled "1937 Magistrates Court Act" changing the qualification of magistrates; removing certain powers and duties of the city controller, and conferring them upon the clerk of quarter sessions; authorizing said clerk to employ additional clerks and fixing their salaries; further restricting the power to release persons without bail; eliminating the provisions of said act which established a civil division of said courts; and clarifying the duties of the court of common pleas relative to magistrates' courts.

Which was committed to the Committee on Municipal Government.

House Bill No. 697, (Senate Bill No. 993), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended; by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

Which was committed to the Committee on State Government.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 480.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 9, 1939.

Resolved (if the Senate concur) That House Bill No. 480, Printer's No. 584, entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation.

be recalled from the Governor for the purpose of amendment.

ATTORNEY-GENERAL TO MAKE A THOROUGH AND IMPARTIAL STUDY OF THE PUBLIC UTILITY LAWS OF THIS STATE AND OTHER STATES

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Public Utilities.

In the House of Representatives, April 25, 1939.

Whereas, During the 1937 Session of the General Assembly there was passed a new law for the regulation of public utilities, known as the Public Utility Law, which Act superseded and repealed the Public Service Company Law which had been in effect since January 1, 1914; and

Whereas, A number of provisions of the Public Utility Law of 1937 have been the subject of judicial review and have been held by State or Federal Courts to be unconstitutional, as the result of which amendatory legislation was passed at the special session of 1938, designed to correct some of the unconstitutional provisions; and

Whereas, Other provisions of this 1937 law are elleged to extend beyond the scope of reasonable and proper regulation of the utilities in that they unduly invade the field of management, impose upon utilities the burden of furnishing costly reports or conforming to procedures of doubtful value in the determination of reasonable rates and adequate service, retard the development and expansion of utility properties and facilities, discourage investment in utility securities, and present questions which may involve the Commonwealth and the utilities, and indirectly the rate payers, in protracted and costly litigation, thereby retarding future reductions in utility rates; and

Whereas, The best interests of the Commonwealth, the rate payer, the utilities, and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth, require that a careful, comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes, if any, should be made in said Law to make it fair, just and reasonable in its application to all concerned, Therefore be it

Resolved (if the Senate concur), That the Attorney General be and is hereby requested to undertake and prosecute a thorough and impartial study of the Public Utility Laws of this and other states, ascertain the viewpoints of the Public Utility Commission, other regulatory bodies, the public, the utilities affected, and others, as to the proper concepts to be applied in the field of utility regulation, consider the effect and trend of judicial decisions in the public utility field and the questions involved in pending litigation, and ascertain what, if any, amendments should be made to the Public Utility Law in order to secure adequate, proper and sound regulation of utilities in the public interest, which will, at the same time, encourage investment in utility securities and aid in a program of expansion and economic recovery in this Commonwealth.

Resolved, That the Attorney General be requested to report the results of his study and investigation of the Public Utility law, together with such proposed legislation as he deems proper for consideration, to the next Regular Session of the General Assembly.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Municipal Government, reported as amended, Senate Bill No. 722, (House Bill No. 1259), entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 767, (House Bill No. 701), entitled:

An Act to further amend clause (c) of section twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," restoring, after a certain period, the exemption of that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt.

Mr. EDMONDS, from the Committee on State Government, reported as committed, Senate Bill No. 449, (House Bill No. 573), entitled:

An Act to amend section four hundred and forty-six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administratve officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined" authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

He also, from the Committee on Education, reported as amended, Senate Bill No. 253, entitled:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," increasing share of full-time teachers' salaries to be paid by Commonwealth as amended.

Mr. BARTLETT, from the Committee on Appropriations, reported as committed, Senate Bill No. 889, (House Bill No. 913), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 907, (House Bill No. 1172), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 908, (House Bill No. 1173), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Mr. WOODWARD, from the Committee on Finance, reported as amended, Senate Bill No. 377, (House Bill No. 176), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

Mr. MILLER, from the Committee on Elections, reported as amended, Senate Bill No. 442, (House Bill No. 470), entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for the transfer tion," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly, and changing time for filing removal notice within same district.

He also, from the Committee on Elections, reported as amended, Senate Bill No. 623, (House Bill No. 553), entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough, town or township in the same county; and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 810, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for the construction or improvement of curbs, sidewalks and roadways along the grounds and buildings thereof; and to pay the amount agreed therefor out of their appropriations for support and maintenance, or out of any appropriation made for such purposes.

Mr. THOMAS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 609, (House Bill No. 952), entitled:

An Act to repeal the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts"

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 770, (House Bill No. 896), entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

Mr. WALKER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 886, (House Bill No. 848), entitled:

An Act to amend section one of the act, approved the eleventh day of May, one thousand eight hundred ninety-three (P. L. 42), entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania, to make allowances or pensions to employes for faithful and long continued service, who in such service have become old infirm or disabled," by extending its provisions to include directors and officers of such corporations

He also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 866, (House Bill No. 1324), entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged

He also, from the Committee on Welfare, Public Assistance and Pensions reported as committed, Senate Bill No. 933, entitled:

An Act declaring certain restricted state hospitals to be general hospitals and within the limitations of their individual facilities, open for the treatment of patients and cases which other general hospitals may treat.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 614, entitled:

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1199), entitled "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available, and for its management by the Department of Welfare," as amended, fixing the cost of maintenance for private or full-pay patients transferred from State-owned mental hospitals to the Western State Psychiatric Hospital.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 981, entitled:

An Act to amend paragraph one of section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs," as amended, altering qualification requirements for the award of such medals and the specification and design thereof.

Mr. PIERSON, from the Committee on Elections, reported as committed, Senate Bill No. 851, entitled:

An Act to amend section twenty-five of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the consolidation of the third class city general registers with the general register of boroughs, towns, and townships of the county.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 852, entitled:

An Act to amend section twenty-four of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissoners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commisisoners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public untility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for consolidation of all third class city general registers with the general register of the boroughs, towns, and townships of the county.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 853, entitled:

An Act to amend Subsection (a) of Section twenty-nine of the Act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 854, entitled:

An Act to amend subsection (a) of Section twenty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of elections; requiring the county commissioners of the various counties to act as a registration com-

mission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

He also, from the Committee on Banking, reported as committed, Senate Bill No. 864, (House Bill No. 1201), entitled:

An Act to amend section one of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, savings banks, and private banks; and imposing penalties for violations," to permit the preservation of photographic film reproductions or photographs or photostatic copies of certain original records.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 892, (House Bill No. 961), entitled:

An Act authorizing transfers of sums of moneys from the General Fund to the State Stores Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 891, (House Bill No. 956), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 801, entitled:

An Act to further amend the title and sections three and four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled as amended "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof by the Department of Forests and Waters; authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission; removing the Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission, appointed by the Governor, from the Board of Trustees of the endowment fund and adding to said board the members of the Pennsylvania Historical Commission.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 450, (House Bill No. 624), entitled:

An Act to amend section nine of the act approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 840, (House Bill No. 1288), entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 883, (House Bill No. 792), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousands (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

He also, from the Committee on State Government, reported as committed, Senate Bill No. 959, (House Bill No. 1075), entitled:

An Act to repeal the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties" saving existing leases until terminated or revoked in accordance with their terms.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 797, entitled:

An Act to further amend the title and section one of, and to add section three to, the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, P. 32), entitled as amended, "An act authorizing the Department of Forests and Waters to acquire, repair, restore, and maintain the birthplace of John Morton, in the Borough of Prospect Park, and making an appropriation," by transferring the control, management, supervision, restoration, and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visation thereof to the Pennsylvania Historical Commission

He also, from the Committee on State Government, reported as committed, Senate Bill No. 841, entitled:

An Act to amend the title, and the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof, and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended, by authorizing the Authority to equip and furnish projects, and the Commonwealth to lease as lessee such equipment and furnishings from the Authority, and extending the other provisions of the act to include such equipment and furnishings.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 785, (House Bill No. 1253), entitled:

A Supplement to the act approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 970, (House Bill No. 1149), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858) entitled: "An act establishing a State employes' retirement system and creating a retirment board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account

He also, from the Committee on Elections, reported as committed, Senate Bill No. 862, (House Bill No. 845), entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

Mr. RICE, from the Committee on Agriculture, reported as committed, Senate Bill No. 859, entitled:

An Act to amend section three hundred and seven of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the court from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," removing the requirements that the Governor approve rules, regulations and orders issued by the commission.

He also, from the Committee on Agriculture, reported as committed, Senate Bill No. 90, entitled.

An Act relating to chicks and ducklings; prohibiting the artificial coloring and sale thereof and providing penalties.

He also, from the Committeed on Agriculture, reported as committed, Senate Bill No. 844, entitled:

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No. 103), approved the twenty-eighth day of March, one thousand nine hundred and thirty-nine; prescribing its powers and duties and re-appropriating the expended balance of an appropriation made to the Joint Legislative Commission created by Senate Concurrent Resolution (Serial No. 106), approved the sixteenth day of March, one thousand nine hunhundred and thirty-seven.

He also, from the Committee on Finance, reported as committed. Senate Bill No. 739, (House Bill No. 1078), entitled;

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

He also, from the Committee on Finance, reported as committed, Senate Bill No. 847, entitled:

An Act to further amend section eighteen (renumbered section seventeen) of the act, approved the second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," exempting the obligations issued by land grant colleges.

He also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 712, (House Bill No. 649), entitled·

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

He also, from the Committee on Welfare, Public Assistance, and Pensions, reported as committed, Senate Bill No. 672, entitled:

An Act to amend section two of the act approved the eleventh day of July, one thousand nine hundred and seventeen (P. L. 769), entitled "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent or defective children; and providing a penalty for the violation thereof," as amended, providing that agencies importing children into the Commonwealth shall give such guarantee to the Department of Welfare as it may require.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 25, entitled:

An Act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time.

Mr. SCARLETT, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 613, entitled:

An Act to amend section two hundred one, and to repeal clause (b) of section three hundred eleven as amended, of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases. mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties;" by including the Western State Psychiatric Hospital and the Philadelphia State Hospital under the provisions of said act, and eliminating certain provisions relating to the commitment of male defective criminals.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 47, entitled:

An Act to amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such person.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 911, (House Bill No. 1176), entitled;

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 919, (House Bill No. 1249), entitled;

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 912, (House Bill No. 1177), entitled;

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 913, (House Bill No. 1178), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Manufacturing Fund

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 902, (House Bill No. 1148), entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett, deceased.

Mr. HEYBURN, from the Committee on Appropriations,

reported as committed, Senate Bill No. 914, (House Bill No. 1243), entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 915, (House Bill No. 1244), entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 916, (House Bill No. 1245), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 917, (House Bill No. 1246), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 900, (House Bill No. 1127), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 667, (House Bill No. 1057), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2688), entitled "An act to provide for the conservation, protection, improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to asset to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of the said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation."

He also, from the Committee on Agriculture, reported as committed, Senate Bill No. 865, (House Bill No. 1257), entitled:

An Act to amend the title, Section 1, as amended, and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen, (P. L. 587), entitled "An act to protect the public health by regulating the manufacture, preparation, handling, storage, sale, transportation, and possession of meat and meat-food products; prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto," by transferring administration of the act to the Department of Agriculture; defining "Department;" and changing penalties.

He also, from the Committee on Agriculture, reported as committed, Senate Bill No. 870, (House Bill No. 1371), entitled:

An Act to amend the title and further amend and reenact the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," by extending the provisions of the act to include other weeds.

He also, from the Committee on Agriculture, reported as committed, Senate Bill No. 768, (House Bill No. 771), entitled:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowing may be made.

Mr. DANDO, from the Committee on Finance, reported as committed, Senate Bill No. 741, (House Bill No. 1117), entitled:

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies and the regultion, supervision and protection of home and foreign insurance companies, Lloyd's associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by redefining deductions in case of reinsurance.

Mr. KUNKEL, from the Committee on Military Affairs, reported as committed, Senate Bill No. 547, entitled:

An Act to further amend section one of the act, approved the third day of May, one thousand nine hundred and twenty-three (P. L. 134), entitled "An act making the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the State; and providing for their publication and distribution, by imposing the duty of printing such proceedings on the Department of Property and Supplies," by extending the provisions of the act to the Society of the Twenty-eighth Division, A. E. F.

He also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 980, entitled:

An Act to amend section fourteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this

Commonwealth," as amended, providing an additional cause for vacating commissions of officers and warrant officers of the National Guard.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 790, entitled:

An Act to further amend the title and sections one and three of act, approved the tenth day of April, one thousand nine hundred thirty-one (P. L. 23), entitled, as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by placing the memorial under the supervision and control of the Pennsylvania Historical Commission.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 924, (House Bill No. 1285), entitled:

An Act to amend section two thousand four hundred thirteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions, shall be determined," assigning certain rooms in the State Capitol to the General Assembly.

Mr. McCREESH, from the Committee on Municipal Government, reported as amended, Senate Bill No. 524, (House Bill No. 687), entitled:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto" by extending the power of park guards to police the lands, properties and buildings taken for park purposes which are located beyond the limits of such cities.

Mr. WOLFENDEN, from the Committee on Appropriations, reported as committed, Senate Bill No. 910, (House Bill No. 1175), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 909, (House Bill No. 1174), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 926, (House Bill No. 1382), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five.

Mr. GELTZ, from the Committee on County Government, reported as amended, Senate Bill No. 197, entitled:

An Act to further amend sections three hundred eleven, three hundred fourteen, three hundred seventeen, three hundred twenty, three hundred twenty-one, three hundred twenty-two and three hundred twenty-five, of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the definition of county employe to include county institution district employees; authorizing the board to employ persons and fix salaries; providing for appropriations by institution districts; providing for discontinuation of allowance to disabled employes in certain cases and further regulating retirement payments and reinstatement of former employes.

He also, from the Committee on Banking, reported as committed, Senate Bill No. 366, entitled:

An Act to further amend section 1109 of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers, and limitations upon powers, of corporations with fiduciary powers.

Mr. EROE, from the Committee on Elections, reported as amended, Senate Bill No. 438, (House Bill No. 256), entitled:

An Act to amend subsections (b) and (c) of section four hundred twelve, clauses three and four of subsection (b) of section nine hundred thirteen and section one thousand two hundred seven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning

elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 740, (House Bill No. 1094), entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital.

Mr. TALLMAN, from the Committee on Finance, reported as committed, Senate Bill No. 946, (House Bill No. 1320), entitled:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred fifty-four) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness

He also, from the Committee on Finance, reported as committed, Senate Blil No. 939, (House Bill No. 1093), entitled:

An Act to further amend section one of the act, approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879), entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares, or merchandise of any kind, fixtures, machinery, equipment of real estate by every corporation, joint-stock association, limited partnership or company, providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties," by requiring certain matters to be filed with or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law.

Mr. EALY, from the Committee on State Government, reported as committed, Senate Bill No. 374, entitled:

An Act relating to the licensing of dogs trained to aid blind persons without the payment of a license fee.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 817, entitled:

An Act to further amend section eleven of the act, approved the seventeenth day of February, one thousand nine hundred six (P. L. 45), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury, and repealing inconsistent acts.

Mr. FARRELL, from the Committee on Elections, reported as committed, Senate Bill No. 628, (House Bill No. 851), entitled:

An Act to amend clause (c) of section twenty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 949, (House Bill No. 272), entitled:

An Act to amend section five hundred and thirty-one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections; including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I wish to rise to a question of personal privilege for a few minutes on a matter of overwhelming interest and concern to the people of my district.

The PRESIDENT. The Senator from Armstrong will proceed.

Mr. SIPE. Mr. President, there is no more enjoyable life than that of a farmer, when he has a chance to make a living and to lay aside a little money for a rainy day. When he has this chance he has the strong hope of a serene old age, and there is no frightful strain upon his mind. When he has this hope, he sits in the vast movie theatre of nature, hears the first song bird in the spring and the last ones in the autumn, with a heart like that of a feathered songster. When he has this hope he looks upon the undulations in his meadows and his grain fields like the undulations or the billows of the ocean, without any tempest raging in his soul.

Now, when he has this hope he can view his herds and flocks on the smiling fields over which run the sunshine and the shadow, with no shadow on his soul. It is the fortunate lot of our Pennsylvania farmers to live and work in one

of the most beautiful sections in the world. In the summer time they do their work gazing on the templed hills and mountains clothed in living green, while the majestic rivers roll their winding way between. In autumn days, when the summer's work is done they look upon purple hills and mountains dozing in a hazy panorama.

I say that the scenic grandure and majesty of the Pennsylvania hills and mountains impose elevated and sublime thoughts upon the farmer's soul if his soul is not harried by care. There is something, Mr. President, about the life of a farmer that makes him in love with Mother Earth, something about the life of the farmer that binds him to the soil and so we have here in Eastern Pennsylvania where it is older, farm homesteads that have remained in the same family for more than two centuries, homesteads where succeeding generations have been, where their fathers lived and died, where their fathers died—mystic bonds of love and affection bind the present owners to those ancient acres, and I hope that these golden cords may never be severed.

Even in the western part of the State, where I live, which is much younger, on account of these mystic cords that bind the farmer's heart with love to his homestead, we have farm plantations that have been in the families that own them for more than one century; and I thank God, Mr. President, that it is my job to own, to operate an ancient farm that has been in my family for 145 years. I like, Mr. President, to turn the lights low in my library at midnight and muse on the recollections and hallowed associations of 143 years of that homestead's history. I like, Mr. President, to stroll in the moonlight and in imagination call up the honest faces of fathers and mothers and the smiling faces of children that through the far dim years have quenched their thirst in the sweet, cool clear waters of the blue slate spring below the old homestead, which still gushes forth its life-giving waters, clear, cool and sweet as of yore.

Now let me say that the Pennsylvania farmer has a background as heoric, as historic, as that of any other group beneath the beautiful banners of the stars and stripes. It was the Pennsylvania farmers, ancesters of our present farmers, who made the success of the Revolutionary War possible. But for their services the Revolutionary War would have been doomed to failure. But for their services the war between the States would have resulted in a shattered and forever broken Union. Yes, the Pennsylvania yeomanry inured to the whistle of bullets, inured to the war whoops of the Indians in the tragic days of Pennsylvania's pre-revolutionary Indian wars, received that training, that discipline in hardship which made them the very backbone of Washington's army and so they and Washington, the greatest farmer in America in his day, led the American armies to triumphant victory through the fire and blood of an eight year Revolutionary war.

That great farmer—greatest, I say in America in his day—had the same love for his homestead that our Pennsylvania farmers have for their ancient acres; and when his abundant labors as the first president of the United States were ended, he retired to the quietude of his beloved State, Mount Vernon, to end his days in glory and in peace. No one in all history has spoken with more affectionate terms of his farm than that great farmer did; he called it his "vine and fig tree"; he called it the "home of his heart"; he called it his "glow of domestic affection." All these endearing terms he applied to it. He said that he would rather be on his farm, Mount Vernon, than to be at the seat of government attended by all the dignitaries of all the powers of the earth.

So, as I say, Mr. President, I hrave a strong hope that our Pennsylvania farmers will be able to retain ownership of their farms, that they will be able to prevent them from going under the cold hammer of the sheriff, that they will be able to retain them and pass them on to their children; but, Mr. President, I am sorry to say that there is a very great threat to the Pennsylvania farmer that he will be able to retain his farm very long, especially the milk producing farmer in Pennsylvania.

For the past several years the history of the Pennsylvania farmers' struggle with the hard boiled, cold blooded, greedy milk monopoly has been one of the most tragic stories in the history of Pennsylvania. It amazes folks who are not acquainted with the farmers' situation, that of the milk producing farmer, it amazes them to learn that testimony as produced at the hearings which the committee investigating the milk situation in Pennsylvania is making, indicates that the average price all over the state to the milk producing farmer for his milk is less than three cents a quart, while the cold blooded, hard boiled, greedy monoply sells it to the consumer at anywhere from eleven to thirteen cents a quart.

It is a sad thought for Pennsylvania farmers whether milk producing farmers or otherwise, a sad thought for all Pennsylvanians to contemplate that even in Hitler Germany the milk producing farmer receives about twice as large a share of the consumer's dollar as does the Pennsylvania milk producing farmer—a sad thought to contemplate. And it is likewise a sad thought to contemplate here in Pennsylvania that the milk monopoly, with its lobbyists and lawyers, has been able to cause our so-called Milk Control Board to take the hue of the monopoly in the milk situation in Pennsylvania.

Orders that the Milk Control Board makes at the behest of these lawyers and lobbyists have a constant downward trend, while the monopoly itself is growing more powerful and more wealthy every day. A few days ago I read a newspaper account of a statement of the president of one of the greatest branches of the greedy monopoly in our land, the National Dairy Products Corporation, in which he said that one of the greatest needs of the milk industry in America was to get a price level. I say that, judging from his history and his monopoly's history, he is really interested in two price levels—one for the monopoly and its executives, high as the heavens, and one for the farmers, as low as the deepest depths of perdition. Sad to think that the lobbyists and lawyers of the monopoly and the Milk Control Board of the Governor of the Keystone State have been issuing and approving orders of the Milk Control Board that are constantly widening, constantly increasing the difference between these two price levels.

I have been a lawyer, Mr. President, since Washington's birthday 1909. Sometimes I take little pride in being a lawyer, sometimes I feel like apologizing for being a lawyer, when I find so many members of my profession who have an anti-social view of the big monopolies, who prostitute their talents—for instance, for this milk monopoly—that come down here to Harrisburg and camp around the offices of the Milk Control Board and help to drive our Pennsylvania farmers into despair and ruin.

It is sad to contemplate, also, Mr. President, that the

metropolitan press of Pennsylvania, for some reason or other—I don't know what it is—but for some reason or other it is giving very little publicity to the startling things that are coming out at the hearings of this milk situation investigations; and I say that if the metropolitan press of Pennsylvania would carry even a small part of the testimony that comes out at these hearings, showing the dreadful situation of our milk producing farmers, if they carried even a small part of their message to the people of Pennsylvania, there would soon come about such a revulsion of feeling on the part of Pennsylvanians generally that the farmer would soon get at least a part of the justice that is due him. I am not making any particular attack upon the press; I do not know why it does not carry this news.

I do not know whether it is because they hear the advertisers, the big milk monopoly advertisers, but I think it is a very reasonable conclusion to draw that they do. At any rate there are long winded accounts in the metropolitan press of Pennsylvania of happenings in this legislature in connection with the general workings of the General Assembly, long winded accounts of happenings that are mere poppycock when compared with the serious situation of our Pennsylvania farmers, and I must say frankly and without any malice whatever that it is a sad thing for our Pennsylvania farmers to contemplate and a sad thing for the people of Pennsylvania generally to contemplate that the governor of the great Keystone State is approving the orders of the Milk Control Board that drive our farmers almost to distraction, approving them in the face of his abundant and rosy promises to the farmers of Pennsylvania.

I know that a lot of Democratic politicians have endeavored to excuse the Democratic Milk Control Board for making these outrageous orders, and that a lot of Republican politicians have endeavored to excuse the much promising Republican Governor for approving these orders. I know that that is happening, but I have a suggestion to make to the farmers of Pennsylvania, and that is, that they had better cease permitting politicians, blathering, ranting politicians, from herding them into rival political camps, and thus preventing them from getting the measure of justice that is their due.

I say to the Pennsylvania farmers that if this trend continues the farmers had better forthwith organize themselves just as completely as labor has organized. I say to them that they had better forget their political prejudices, keeping in mind that the greatest victory that any man can win, or at least one of the greatest that any man can win, is a victory over his prejudices, so I appeal to the farmers not to let blathering politicians keep them stupified any longer— politicians like the governor, who when running for office, made promises with reckless abandon, I do not say that he had no intention of trying to carry them out, but I do say that the most charitable view that we can take is that he made those promises with reckless bandon, and perhaps, with the mere purpose of getting votes.

Yes, the life of the Pennsylvania farmer for a number of years past has been a constant battle—and a loosing battle—a battle with the monopolies and trusts. Here is the dairy feed trust that has been gouging him for years; here is the farm machinery trust that has been gouging him for years; and for many years shipping their machinery to Russia, to Japan, to Australia, to the islands of the sea and selling it thirty per cent cheaper than to our American farmers. And then here is the milk trust that has battered life out of farm income in Pennsylvania and then here is the coffin trust, that waits at the foot of the hills, that waits at the end of the trail to receive the farmer's battered body when life's fitful dream is o'er.

REPORTS FROM COMMITTEES

Mr. OWLETT. Mr. President I as unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Finance, reported as amended, Senate Bill No. 618, (House Bill No. 193) entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 292, (House Bill No. 424), entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual instalments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provisions for the payment of mandamus executions and suspending and/or repealing inconsistent legislation.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, last night this Senate adopted an unusual and dangerous practice when it shut off free discussion on a measure of grave importance that was before this body for consideration. If the question that is embodied was not fundamental I would not rise today to say something against this practice.

Yesterday, all day, another Senator and I worked diligently in the reading of all of the bills that were on the calendar for action last night, and I believe I can sincerely say that even though I have made many mistakes in my work in this Senate, I have always endeavored to do what I thought was best for the people of this Commonwealth; and yesterday, after going over all the bills on the calendar, with the sole idea of helping this body in getting the best out of those measures, we came to the Senate last night, and in a time of free discussion, a fundamental constitutional privilege was denied in the middle of the session on this measure.

Mr. President, this is a serious matter. It has been so considered back through the ages. I was looking at some authorities this morning that took me back to the time of Socrates, that Greek philosopher, and shortly before he took the poisonous hemlock that lifted him out of this universe, he said to those about him, "Men of Athens, while I have left life and strength I shall never cease from defending the sacred right to speak and teach."

That principle, Mr. President, was considered fundamental at that time, and it has never lost that character.

If you come down through the ages, Mr. President, from the time of Socrates to the time of John Milton, during those turbulant times in England, you will find that great man defending the liberty of the press and the liberty of free speech. I want to read a short statement from that great man, John Milton, away back in that early period of English history and I thus quote:

"And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?—

And if we carry on down to the time of our early Colonial history, we will find our early colonial fathers battling valorously and devotedly in their protection of this great fundamental right. The great Patrick Henry of Virginia took up this question and defended it, even to a threat upon his own life, and out of that all, Mr. President, they created the great American republic, and when our Constitutional fathers, way back in 1787, were trying to formulate a basic constitution the only way, Mr. President, that they could get the representatives from the thirteen states in accord on the constitution was to promise them a Bill of Rights, and in that connection we must trace delicately the hand of that great statesman, Thomas Jefferson, who at that time was in the turbulant land of France.

He knew, Mr. President, what it meant if you deny to the people the right of free assembly, free speech and a free press. He was in a land that was about to be torn by a terrible revolution and he knew that one of the safeguards would be placing in the people this sacred, inalienable and fundamental right, and so, Mr. President, in order to get our Constitution the Bill of Rights was likewise enacted, and from that time down through the years, down to the time of the World War we see the people always defending the right of free speech and a free press, and, diverting a little I might say those two rights go together, there is very little difference between the right of free speech and a free press they both emanate from the same source, the mind of man.

This question, Mr. President, came up again during the World War and we find an elaborate discussion on its fundamental principles at that time, and it was so deeply involved in our American life at that time that it was necessary for the Attorney General of the United States to report upon it, and here is what he said:

"This department throughout the war has proceeded upon the general principle that the constitutional right of free speech, free assembly, and petition exist in war time as in peace time, and that the right of discussion of government policy and the right of political agitation are most fundamental rights in a democracy."

I say, Mr. President, that the right of free speech in the halls of this Assembly are more important than the right of free speech on the outside of such a chamber, because here is a Senator who represents many people—he is not speaking for himself alone, he represents the people of a great State, and to deny a Senator or Representative the right to give his views on an issue that has to do with the welfare of all the people of this Commonwealth is fundamentally vicious and bad.

I shall always, Mr. President, as long as the Good Man above gives me strength, cry down upon anyone who attempts to take these sacred rights from the people of this State or of this Nation.

Senator Owlett, you succeeded last night, with the aid of your Republican disciples, in closing my weak and humble lips, but in so doing you aroused within my soul a tumultuous, burning form of rebellion.

I say, Mr. President and members of this Senate, that this is a dangerous policy to pursue. Read the history of any nation of this world and you will find at any time the freedom of the press or freedom of speech were denied that trouble ensued.

Get out your histories and read of those turbulent times that preceded the French Revolution, and you will find that one of the fundamental causes of that great, bloody and terrible conflict was the denial to the people of the right of free assemblage and free speech.

Mr. President, and members of the Senate, I have traveled in the land of the Caesars, I have traveled in the land of Bismarck, I have traveled in the land of Cromwell, William the Conqueror, William Tell—almost all of those nations of Europe, I have seen Italy under Mussolini, I have seen Germany under Hitler, but Mr. President, I was never denied the right of free speech until I returned to the land of my birth, the land of my fathers, the halls of the Assembly of my beloved State, where this precious right was denied me, and I say, Mr. President, not only in defense of my own conduct but for the welfare of the people of this Commonwealth, that I resent at any time and at all times any action that will stop me or any of my colleagues from discussing on the open floor of this Senate an issue that has to do with the welfare of the people of this great Commonwealth and so, in conclusion, Mr. President, I sincerely hope that we shall never have this experience in this Senate again.

If we have too many bills on the calendars then let some of them go over, but never shut off free discussion on any measure that comes before this body. I told this Senate, early in the session that we should not wait until the last two weeks and then jam through all the legislation that we have in the mill. I experienced that in 1937, and I raised my voice to speak at that time against the practice; and I raised it early in this session, that we enact legislation gradually from the beginning of the session down to the end, instead of putting through all the legislation in a hurried manner in the last couple of weeks of the session. No wonder we have had bad legislation: we do not have time to consider it—there is too much of it; but that should be no reason, Mr. President, why free discussion of important matters should be denied any person upon the floor of this Senate.

And now I repeat again—basing my humble experience on the experience of the past—I sincerely say that I hope that this form of dangerous policy will never be adopted again by this Senate.

Mr. OWLETT. Mr. President, the Senator from Washington apparently very strongly objected to having debate shut off last night in this Senate. I think anybody

who was present in this Senate during the now almost five months of Session knows that there has been the freest of debate that has ever been in any legislative hall in this Commonwealth in my experience. We have heard speeches on moonlight and Butler Sanatorium every day, and talk, talk, talk, on matters that are not relevant very many times to matters under discussion.

Now, I quite agree with my good friend, the Senator from Washington, that this is a forum where there should be free and open debate and I think we on this side have been most patient in connection with the speeches on personal privilege, and I think anyone who has been present in this hall knows that is true.

I would like to call the Senator's attention, however, to the fact that two years ago—I will not attempt to say now, but I will look it up—I don't know how many times the rule was invoked calling for the previous question; but it was, I know, on two occasions two years ago, when the rule calling for the previous question was envoked in this Senate.

Now, that is not an unusual procedure, because it is provided for in the rules; and we also have a rule, Mr. President, that no Senator can speak on one subject oftener than twice. Now, every legislative body has to have rules of procedure.

Last night we had a simple bill up that had been debated in committee—the Senator from Washington was there; it had been debated for almost an hour on the floor of this Senate, and it was two o'clock in the morning, and when the vote was taken there were only seven or eight votes against the bill, and if my recollection serves me correctly, at the time I called for the previous question the Senator from Washington has already spoken twice on that bill.

I submit, Mr. President, as far as I am concerned, there will be no shutting off of any reasonable amount of debate, or no attempt to shut off reasonable debate, but there have been times Mr. President, when the patience of everyone in this body, I know, has been seriously tried. We have work to do, and I think this body owes it to itself and owes it to this State to see that its orderly work is not interefered with by lengthy discussions.

Mr. REED. Mr. President, I want to inform the gentleman from Tioga that I had only spoken once on that measure, and that was very briefly, and it was on the second attempt to say a few words that I was shut off; and I think you will find out that I have always raised my voice against any infringement of any of the fundamental principles or practices of our American form of government; and the gentleman from Tioga will remember distinctly that in the Session of 1937, when this chamber was packed to its capacity and overflowing with partisian people, that I spoke vigorously against measures introduced by my own party when the mob was crying in the galleries against it. So, Mr. President, as I said in the beginning, I have made many mistakes but I have tried all the time to stand firmly for the fundamental principles of free American Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, the gentleman from Tioga could very handily examine the Journal of the last several sessions and he will find that at no time was there any necessity for the minority party at that time—the Republican Senators—to stand up on the floor of the Senate and ask that the doors of this Senate be opened, comformably with the provisions of the Constitution, so that the public might hear what was going on within this chamber.

The gentleman from Tioga knows full well that during the last several sessions the doors of the Senate were open, no guards were stationed there, no one was required to produce a card or a number at the door, like a criminal, before he could get in, but the doors were open—open to the public to enter their forum where their interests and welfare, was being discussed and handled.

The doors were open, nobody closed them; but now in the year 1939—in this era of progress and advancement in civilization, and enjoyment of liberty, the people of this Commonwealth come down to this Capitol to see what is going on in their State Senate—they find a guard at the door, the doors locked against them, and the citizen must inquire of the Senators within whether they can get a card to pass the guard.

Not only that, Mr. President, but other things have happened: the gentleman from Armstrong raises his voice against the neglect of the press, the free press, this press that enjoys the freedom of press guaranteed by the Constitution—a freedom of press to scatter to the people of this Commonwealth subjects, discussions, and opinions that deal with their very existence, and their very life, that press that enjoys that freedom will not bring to the doorsteps and to the firesides of the people of this Commonwealth many fundamental and important matters that are transpiring here on the floor of this Senate.

Mark you, Mr. President, that particular condition developed after the doors of the Senate have been closed against admission of the people of this Commonwealth. And then on the heels of all that, comes the movement of the gentleman from Tioga to cut off debate on the floor of the Senate, on a most vital and fundamental bill. Let me tell the colleagues of the Republican side that what the gentleman from Tioga did last night was merely an act comformable with the very heated discussion that took place last week in the ante-chamber of this Senate, the debate must be throttled, that debate must be gagged, that debate must be stopped, the bills must be passed, the Assembley closed—so that the people may not know too much about their business.

I can tell other people before us have answered the question asked by the gentleman from Armstrong—why this press is not so eager to publish truthfully and verbatim the things that transpire on the floor of this Senate. I have referred to certain papers, to certain press of this State, as a harlot, and I repeat that again—that the press of this State, this controlled press, is no better than a common harlot that sells its body to the highest bidder.

Mark you—Mr. President, let me read to you from the message approving a bill, by Governor Samuel W. Pennypacker, in 1903 Governor Pennypacker's message approving a bill containing the same provisions that were contained in the bill—Senate bill No. 702, in the debate on which the gentleman from Washington was gagged; on page 19 of the book containing the message, which cannot be found in the State Library, we find this, "When,

recently, a verdict of $25,000 was rendered against a journal for libel this entirely proper item of news only reached the public by the methods of a hundred years ago. It was unpublished and each man whispered the fact to his neighbor. It is equally idle to contend that untrue statements and vicious assaults produce no effect and that the upright are unharmed."

Again reading from Page 20 of that same book, "The motive which leads to the degradation of the press is very plain and by no means unusual. It is the same motive which causes men to put deleterious chemicals into food, weak iron into the boilers of engines and wood into the flues of houses, the desire to produce cheaply in order that there may be a profitable sale."

Speaking of the bill that was so ably defended by the gentleman from Blair, Mr. Mallery, and in the consideration of which the gentleman from Washington, Mr. Reed, was gagged, harken to what Governor Pennypacker said about it.

"The bill provides under penalty that the names of the owner, proprietor, publisher and managing editor shall be printed with each issue. The purpose of the provision is that it may be known who is responsible for the publication. Every business man prints upon his bills and letterheads and puts in front of his store his name. Every doctor and every lawyer puts his name on his office door. The law provides that a record shall be made, open to the public; of those who compose partnerships and limited partnerships and yet every day pages of material are printed purporting to be a record of the current affairs of the world and claiming the right to sit in supervision upon the courtesies of the parlor and the doings of public officials, and no one knows what their origin, whence they come, who is he who writes them or who is responsible for them.

"If the vendor of a horse were to insist upon wearing a mask so as to escape identification who would buy of him? The Veiled Prophet, though preaching about piety and virture, was so veiled because both hideous in appearance and libertine in conduct. No harm and much good may come from requiring such publicity. These are all of the provisions of the bill, and no one of them would seem to be uncalled for, unjust or unduly harsh."

I recommend, Mr. President, very highly the message of Governor Pennypacker on that bill to my colleagues of this Senate.

REPORT FROM COMMITTEE

Mr. RICE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. from the Committee on Agriculture reported as amended, Senate Bill No. 480, (House Bill No. 423) entitled:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture, sale or transportation within the Commonwealth of adulterated or misbranded paris greens, lead arsenates, lime-sulphur, compounds and other insecticides and fungicides and regulating traffic therein, providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties.

BILL INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. OWLETT, by request, read in place and presented to the Chair Senate Bill No. 994, entitled:

An Act to amend clause (i) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897), entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by including within the definition of "employer" any employing unit which acquired the organizations, trade or business or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act.

Which was committed to the Committee on Labor and Industry.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, commenting on the remarks of the distinguished and erudite Senator from Tioga, Mr. Owlett, as to the annoyance which I have given him by making frequent appeals on the floor of this Senate for the opening of that wonderful institution for suffering humanity, the Butler Tuberculosis Sanatorium, I want to say that I am sorry that appeals for humanity grate so hard on the Senator's nerves. I am sorry, too, that I wish to add a little to his pain, misery and anguish by reading into the record a letter—rather a copy of a letter sent to the Governor of Pennsylvania by Dr. I. H. Alexander, director of the Department of Public Health of the City of Pittsburgh, under date of May 3, 1939, knowing what agony, what excurtiating pain and annoyance my pleas for humanity cause the distinguished gentleman from Tioga. I have been carrying this letter around with me ever since May 3, not wanting to drive him into convulsions, but since he is provoking me a little I am now going to read it.

"I am tremendously interested in seeing this institution opened at the earliest possible date, and may I be so bold as to state that it is my opinion that it will cost the taxpayers of this Commonwealth much more in dollars and cents if the opening of this institution is delayed.

Eighty-two per cent of the patients diagnosed as suffering from pulmonary tuberculosis are in the far advanced stage of this disease. These are the patients who are spreading the disease to others, and from the public health standpoint, it is most important that these patients be hospitalized as soon as possible. If we expect to cut down the number of patients applying for sanatorium treatment in the near

future, we must first control the patients who are spreading the disease throughout the community.

The City of Pittsburgh is in great financial difficulty at the present time. In spite of this financial situation, the Mayor and City Council have provided for the expansion of our present tuberculosis hospital and are urging this department to rush the completion of this hospital in order that these patients, who are a public menace, can be hospitalized at the earliset possible date.

I sincerely hope that you will be able to find the necessary funds to open the Butler Tuberculosis Sanatorium on its completion."

Now, Mr. President, as I said before notwithstanding the agony and anguish that my appeals for humanity may give to certain gentlemen on the other side, I intend to keep on appealing for the opening of this Sanatorium, and I want to say frankly that leaving out of the picture altogether the humanitarian aspect, simply viewing the opening of the Butler Sanatorium on the closing thereof as a cold business proporition, the governor of this Commonwealth ought to have enough business sense to know that locking up for two years, locking up during the rigorous winters for two years, buildings that cost almost two and a half million dollars, will result in a deterioration in those buildings much greater than the cost of operating the institution for two years; and I want to say further that I always like to be helpful, if the Governor is so cramped for money that he cannot take care of indigent sufferers from this disease who, if left without treatment will spread it to others. if he is so cramped for money that he cannot find any for this purpose, I want, in order to be helpful, to suggest to him where he can find at least enough money to pay the salary of the superintendent of the institution, and first assistant, and that is by the Governor turning over to the Butler Tuberculosis Sanatorium for its operation the $15,000 that he drew down of Pennsylvania taxpayers money while loafing on his job for ten months as judge of the superior court. That would be a most magnificant gesture on the part of the shovel leaning candidate for governor, elected governor a most magnificant gesture for him to make in the interest of humanity.

BILLS INTRODUCED

Mr. EDMONDS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS read in place and presented to the Chair Senate Bill No. 995, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page, the names of the owners, proprietors, or publishers, and the managing editor of the same; and providing a penalty.

Which was committed to the Committee on Judiciary General.

Mr. EDMONDS. Mr. President, I call my colleague's attention to the fact that this bill is a fulfillment of the promise that Senator Mallery gave last night, requiring newspapers to print in their editorial pages the name of the owner or proprietor of such newspapers together with the names of the managing editor thereof; if the newspaper is owned or published by a corporation, then the names of the said corporation shall be published together with the name of the president and managing editor thereof; and if the said newspaper is owned or published by a partnership or partnerships, limited, then the names of the partners and the managing editor shall be published in like manner. It leaves out the minor officials and it changes the penalty.

Mr. TALLMAN. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN read in place and presented to the Chair Senate Bill No. 996, entitled:

An Act relating to, and providing for, the discontinuance and abandonment of the project for the erection, construction, operation and control of the Maximum Security State Penitentiary; authorizing the cancellation and the making or revision of certain contracts and leases between The General State Authority and the Commonwealth to effectuate such discontinuance and abandonment and to pay for damages and losses sustained by The General State Authority; and repealing inconsistent laws.

Which was committed to the Committee on State Government.

He also read in place and presented to the Chair Senate Bill No. 997, entitled:

An Act to amend sections two hundred and twenty and two hundred eighty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth together with the rights of ingress and egress to and from such waters.

Which was committed to the Committee on Forestry, Game and Fish.

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery, Mr. Edmonds, will state his question of personal privilege.

Mr. EDMONDS. Mr. President, last Friday there was presented to the Senate a report of the Department of Publis Assistance relating to aliens receiving assistance in the State. The entire report has come to my desk, and I am mentioning it here because it has statistics of all counties, and I thought it would be of interest to some of the Senators to examine it. In a general way, the report shows that in March the total number of persons receiving assistance was 773,050, of which 729,919 were citizens; 11,104 consisted of aliens who had applied for citizenship, but 32,027 were aliens who had not applied for citizenship, and they received in March $551,058. In the same month there was paid to aliens on old age assistance, dependent children, and so forth, additional amounts aggregrating about $120,000.

Now, the thing that surprised me in going over the various districts where these aliens are. I have some sympathy for the statement that was made by some of the Senators from the coal fields, about the difficulties that aliens there have to go through courses of training with reference to naturalization, but the two heaviest counties are the two with the best school facilities, Philadelphia, 7,624, and Alle-

gheny, 7,619, and in both of those communities there are a large number of schools for aliens, teaching Americanism, to which one might think they readily had access, and it looks to me as if we had failed to realize the importance of getting aliens registered as citizens, and if they do not register I must confess my own sympathy becomes less.

RESOLUTIONS RECALLING FROM THE GOVERNOR SENATE BILL No. 83.

Mr. CHAPMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 9, 1939.

Resolved (if the House of Representatives concur,) That Senate Bill No. 83, Printer's No. 35, entitled "An act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled 'An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries' by imposing upon the State the keeping of certain convicts"

be recalled from the Governor for further consideration.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. HEYBURN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 9, 1939.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Labor and Industry to use the Senate Chamber for a Public Hearing on Unemployment Compensation Thursday, May 11, 1939, at 10:00 A. M.

GRANTING USE OF CHAMBER FOR PUBLIC HEARING

Mr. HEYBURN offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 9, 1939.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Labor and Industry to use the Senate Chamber for a Public Hearing on Workmen's Compensation Friday, May 12, 1939, at 10:30 A. M.

On the question,

Will the Senate agree to the Resolution?

Mr. DENT. Mr. President, I object to this second resolution on the ground the committee had no discussion whatsoever on that legislation, the committee has not authorized any public hearing, we do not know what is in the legislation, and I believe it would be more appropriate if we held a committee meeting and decided whether or not we want a meeting, and if one is wanted let us have it at a time when the Senators will be here. I do not think it fair to predicate a hearing upon the fact that we may be here Friday.

Mr. HEYBURN. Mr. President, there will be a session here Friday and all of the Senators should be here, and as time is drawing short if we are going to have a public hearing, as the Senator from Westmoreland requested, we will have to do it immediately. We are supposed to adjourn in a matter of a few legislative days.

Mr. DENT. Mr. President, I was here Friday, last week when the gentleman from Delaware was not here. I do not know whether we will be here on Friday. I believe the committee should meet on these bills. I think we are getting into a funny place in this Senate and House of Representatives when bills are not even discussed in committee.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I submit that the resolution is a privileged resolution and entitled to immediate consideration.

The PRESIDENT. The point of order of the Senator from Tioga, Mr. Owlett, is well taken.

Mr. SHAPIRO. Mr. President, in connection with this resolution I should like to interrogate the gentlemaen from Delaware, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understood from the remarks the gentleman from Delaware, Mr. Heyburn, that we have got to do this quickly. Why do we have to do this so quickly, have this public hearing so quickly? There has not been any definite date set for adjournment, has there?

Mr. HEYBURN. Mr. President, the newspapers are talking about May 26th.

Mr. SHAPIRO. Mr. President, do we take the date of our adjournment from the newspapers?

Mr. HEYBURN. Mr. President, they take their information from talk they hear from the Republican leaders, I suppose.

Mr. SHAPIRO. Mr. President, then I am supposed to assume it is the talk of the Republican leaders that they will adjourn at a definite date, whether or not proposed legislation has been passed or whether legislation has been properly considered?

Mr. HEYBURN. Mr. President, this is merely a public hearing to gather information, and a public hearing has been requested to be held by a Senator on my left, and also by organized labor and also industry. This does not mean the bill is going to be reported out Friday. The Senator from Philadelphia, Mr. Shapiro, understands that no bill will be reported out Friday.

Mr. SHAPIRO. Mr. President, I do not expect the bill to be reported out on Friday, but I am just concerned about the statement made by the Senator from Delaware, Mr. Heyburn, that we have to hurry because we are going to adjourn. I would like to suggest that I do not think we should consider any question of adjournment until we have considered all of the important pieces of legislation carefully. I do not mean the junk we have on the calendar being disposed of in a rush, because while it is harmful not a whole lot of harm can come from it, but I do object to adjourning when questions of workmen's compensation—amendments to the Workmen's Compensation Act, questions regarding the public assistance act, and when there are still questions as to the standing of the Commonwealth of Pennsylvania, and whether we are going to be able to stand financially until we come back. Before we adjourn I would like those questions solved and I would ask whether he has official information of the fact that twenty-six or twenty-seven votes are available to bring about adjournment. If he has the necessary votes that will bring about the adjournment by the twenty-

sixth, as he seems to indicate, but I would suggest that the people who are interested in this be given a little more time, heave a hearing next week, and if it is necessary to stay in order to solve this question properly we should stay.

Mr. HEYBURN. Mr. President, I suppose the Senator from Philadelphia, Mr. Shapiro, knows that there is no workmen's compensation act at the present time, and if he wishes to postpone the hearing I am willing, but he will have to explain it to organized labor.

Mr. DENT. Mr. President, I withdraw my objection but I reserve the right to ask for another public hearing, so that the public may be heard.

Mr. SHAPIRO. Mr. President, I should like to answer the statement of the Senator from Delaware, Mr. Heyburn, that I know that there is no workmen's compensation. I do not know anything of the kind. I know that there has been a decision by the Supreme Court which affected workmen's compensation. I am not paying any attention to that because it is not before the Senate, but I do know there are proposed amendments to the workmen's compensation act, and I know a little more about that workmen's compensation—which is not necessary to discuss at this time. I will take full responsibility for my obligation, for my actions, to the people and to labor on this question.

The PRESIDENT. The Senator from Westmoreland has withdrawn his objections.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 567.

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 9, 1939.

Resolved, (if the Senate concur), That House Bill No. 567, Printer's No. 166, entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for its concurrence.

On the question,

Will the Senate concur in the resolution of the House of Representatives?

Mr. SHAPIRO. Mr. President, in connection with that bill I want to note on record my objection to the recalling of that bill from the Governor. This bill is a bill, as I recall it, without which there would have been no difficulties in the counties that they could not have surmounted until the real problems of this Session were solved.

We are sending bills over to the Governor and recalling them and creating expenses which are unnecessary, and which makes it necessary for us to stay here until three o'clock in the morning in order to dispose of a calendar which means nothing and I want to object to the recall resolution as a signal of the position I expect to take on these bills that are nonsensical bills, they do not mean anything, they waste time and cost money and an administration that talked so much about economy ought to know that.

MOTION TO CONCUR ON RESOLUTION

Mr. OWLETT. Mr. President, I move that the Senate concur in the resolution.

Mr. GELDER. Mr. President, I second the motion.

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—30

Bartlett,	Farrell,	Letzler,	Snowden,
Chapman,	Gelder,	Mallery,	Stevenson,
Crowe,	Geltz,	Miller,	Tallman,
Dando,	Haluska,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Reed,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,
Eroe,	Lanius,		

NAYS—13

Cavalcante,	Frey,	Kunkel,	Rice,
Coleman,	Gilson,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Stiefel,
DiSilvestro,			

So the question was determined in the affirmative.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 38

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 38, entitled:

An Act to amend Sections Three, Four, Five and Nine of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended) "Municipality Authorities Act of 1935," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation; by including gas works, gas manufacturing and gas distributing systems as projects; by authorizing the municipalities to limit the projects to be undertaken by an Authority; by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds, etc.; and by including gas works, gas manufacturing and gas distributing systems and water supply works as facilities which might be transferred to an Authority.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 305

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 305, entitled:

An Act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 442

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 443

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 443, entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the years one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 38, entitled:

An Act to amend Sections Three, Four, Five and Nine of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended) "Municipality Authorities Act of 1935," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation; by including gas works, gas manufacturing and gas distrbuting systems as projects; by authorizing the municipalities to limit the projects to be undertaken by an Authority; by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds, etc.; and by including gas works, gas manufacturing and gas distributing systems and water supply works as facilities which might be transferred to an Authority.

House Bill No. 254, entitled:

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code" by providing for compensation for services rendered by constables and their deputies.

House Bill No. 305, entitled:

An Act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties.

House Bill No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

House Bill No. 443, entitled:

An Act to amend the appropriation act, approved the fifth day of June, one thousand nine hundred thirty-seven (Appropriation Act No. 51-A), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways; and excluding the provisions for expenditure by the Department of Highways of such balances, the taxing and budgeting limitations on townships of the second class, and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

House Bill No. 732, entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof," in so far as it relates to boroughs.

House Bill No. 868, entitled:

An Act to repeal the act, approved the sceond day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

House Bill No. 895, entitled:

An Act to amend section 402 of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853) entitled "The General County Assessment Law," providing a method for the valuation of real property for taxation purposes.

House Bill No. 947, entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth, by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 429, (House Bill No. 549), entitled:

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by providing for equipment allowanaces increasing and extending clothing allowances and requiring a report by commanding officers

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provivsions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Snowden,
Coleman,	Gelder,	Mallery,	Stevenson,
Crowe,	Geltz,	McCreesh,	Stiefel,
Dando	Gilson,	McGinnis,	Tallman,
Deitrick,	Haluska,	Miller,	Thomas,
Dent,	Heyburn,	Owlett,	Walker,
DiSilvestro,	Homsher,	Pierson,	Wolfenden,
Ealy,	James,	Reed,	Woodward,
Edmonds,	Jaspan,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 153, as follows:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first one thousand nine hundred and thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums of money or so much thereof as may be necessary are hereby specifically appropriated out of the Motor License Fund to the agencies and for the purposes hereinafter specified for the two fiscal years beginning June first one thousand nine hundred and thirty-nine

It shall be unlawful for any department to requisition and expend moneys out of the Motor License Fund during the said two fiscal years for any of the purposes specified in this act in excess of the sums appropriated by this act Provided however that moneys in the Motor License Fund not otherwise appropriated by this act or by other acts adopted at the session of the General Assembly of one thousand nine hundred and thirty-nine making appropriations out of the Motor License Fund for specific purposes shall nevertheless be available for expenditure by the appropriate department or board for the purposes for which no specific appropriations have been so made in accordance with the provisions of existing law making a continuing appropriation of the moneys in the Motor License Fund

To the Department of Highways

(a) For the payment of the salaries wages or other compensation and the traveling and other necessary expenses of the Secretary of Highways such deputies directors superintendents bureau and division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of the department at the state capitol and in its various district offices and in connection with the maintenance and operation of its buildings and plans and the salaries of such special deputy attorneys general assistant deputy attorney general and attorneys as may be assigned by the Attorney General to the department for handling any legal business pertaining to its work the sum of eight million five hundred thousand dollars ($8,500,000)

(b) For the payment of wages of persons employed by the day or week or month for work in connection with the upkeep repair and maintenance of the state highways and bridges thereon the sum of thirty million dollars ($30,000,000)

(c) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment (other than road supplies materials and equipment) fuel motor vehicles printing and binding premiums on policies of insurance covering motor vehicles operated by employes of the department surety bonds for officers and employes of the department required to furnish such bonds the sum of three million three hundred thousand dollars ($3,300,000) Provided however that all contracts for insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(d) For the payment of rentals for branch buildings and repairs thereto the sum of three hundred thousand dollars ($300,000)

(e) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines the sum of six hundred thousand dollars ($600,000)

(f) For the payment of transportation medical attendance hospital charges for employes injured or killed in line of duty and the payment of workmen's compensation to injured employe or the dependents of deceased employes or the payment of premiums under policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department the sum of one million eight hundred thousand dollars ($1,800,000)

(g) Subject to the approval of the Governor and the Department of Property and Supplies for the purchase of acquisition of land in the name of the Commonwealth for the purpose of erecting thereon garages storage sheds laboratories and other buildings necessary in conneotion with the construction improvemnet reconstruction replacement or maintenance of highways and for the erection on land thus acquired of such garages storage sheds laboratories or other buildings for the sum of two hundred thousand dollars ($200,000)

(h) For the propagation or purchase of trees shrubs vines or grass for planting on or along state highways and the maintenance of the same the sum of two hundred thousand dollars ($200,000)

(i) For the purchase installation and maintenance of signs and traffic signals on state highways the sum of five hundred thousand dollars ($500,000)

(j) For the payment of traveling expenses and witness fees in the amount of two dollars ($2.00) per capita per diem to witnesses testifying for the Commonwealth the sum of one hundred thousand dollars ($100,000)

(k) For the payment of wages of persons employed by the day or week or month for work in connection with the construction or resurfacing of highways and bridges for the payment of the cost of materials and supplies and equipment directly used in the upkeep repair and maintenance or the resurfacing or construction of highways for the payment of highway and bridge construction and reconstruction costs through contracts between the Department and private contractors the sum of one hundred ten million dollars ($110,000,000)

To the Department of Revenue

(a) For the payment of salaries wages or other compensation and traveling and other necessary expenses of the commissioner of Motor Vehicles and such other officer or officers of the Department of Revenue as are appointed to have charge of the activities of the department relating to motor vehicles and such deputies directors superintendents bureau and division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be engaged in administering and enforcing the laws rules and regulations relating to the operation of aircraft landing fields and intermediate landing fields and for the proper conduct of the work of the Department of Revenue in titling and registering motor vehicles trailers and tractors licensing the operators of motor vehicles and for the collection of liquid fuels taxes and for the payment of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the Department of Revenue for handling any legal business pertaining to the above work the sum of two million two hundred twenty-five thousand dollars ($2,225,000)

(b) For the purchase maintenance storage and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles aircraft printing and binding premiums on policies of insurance covering motor vehicles or aircraft operated by employes of the department surety bonds for officers and employes of the department required to furnish such bonds in connection with the work specified in clause (a) the sum of five hundred thousand dollars ($500,000) Provided that all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(c) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices and machines in connection with the work specified in clause (a) the sum of six hundred fifty thousand dollars ($650,000)

(d) For the payment of rentals of branch buildings and repairs thereto in connection with the work specified in clause (a) the sum of thirty thousand dollars ($30,000)

(e) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employe or dependents of deceased employe or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department employed in connection with the work specified in clause (a) the sum of thirty thousand dollars ($30,000) Provided that such insurance shall be carried only with the approval of the Governor

(f) For the payment of traveling expenses and witness fees in the amount of two dollars ($2.00) per capita per diem to witnesses testifying for the Commonwealth at hearings the sum of ten thousand dollars ($10,000)

(g) For the payment of expenses in connection with traffic safety additional work exhibits photography and other exhibitions or additional assessories and for all other expenses of every kind and description necessary effectually to carry on its work as specified in clause (a) the sum of four hundred thousand dollars ($400,000)

(h) For the purchase of motor vehicle registration plates and other expenses incidental thereto the sum of five hundred thousand dollars ($500,000)

(i) For the payment of rewards for the detection of fraud the sum of ten thousand dollars ($10,000)

(j) For the purpose of installing conditioning improving equipping maintaining and operating air navigation facilities intermediate landing field equipment beacon sights landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields intermediate landing fields beacon sights and air navigation facilities the sum of one hundred thousand dollars ($100,000)

(k) For all other expenses of every kind and description necessary for the performance by the department of the aforesaid work the sum of fifty thousand dollars ($50,000)

To The Treasury Department

For the payment to the Treasury Department of the cost of making disbursements out of the motor license fund on behalf of the Department of Revenue and the Department of Highways the sum of three hundred thousand dollars ($300,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund

To The Department of Auditor General

For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the motor license fund and in auditing annually periodically or specially the affairs of the Department of Revenue and the Department of Highways in connection with expenditures from the motor license fund the sum of two hundred twenty thousand dollars ($220,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund

To The Department of Property and Supplies

(a) For the payment to the Department of Property and Supplies for space occupied in the capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue and the Department of Highways in the performance of their respective duties in connection with administering and enforcing the laws rules and regulations relating to highways the operation of aircraft landing fields inter-

mediate landing fields in titling and registering motor vehicles trailers and tractors licensing the operators of motor vehicles and the collection of liquid fuels taxes the sum of four hundred thousand dollars ($400,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund

To The Pennsylvania Motor Police

For the payment of the work of the Pennsylvania Motor Police in enforcing the laws regulating the use of the highways of this Commonwealth and in assisting the Department of Revenue in the collection of motor license fees fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses the sum of eight million dollars ($8,000,000)

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund shall be credited to the current appropriation out of the General Fund to the Pennsylvania Motor Police and shall be available for the purposes for which such appropriation is appropriated by law

Section 2 In the event of a public catastrophe or emergency involving an increase in the allotment of public funds above the amount specified in Section 1 hereof the Governor and the Auditor General may authorize a transfer of funds from any item of this bill to any other item thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, when you were Secretary of Highways there was no point in anybody trying to write a blank check on the Department of Highways, but since that happy day circumstances have changed.

The PRESIDENT. Thank you.

Mr. SHAPIRO. Mr. President, I second the motion.

Mr. WOODWARD. Mr. President, this bill, No. 153, before it is recommitted I would like to defend it and it is possible there may be enough votes on the floor to defeat its committal. The Republican caucus at first liked the bill but then there was a letter from the Assistant Chief Engineer of the Highway Department, Mr. Keeley, and after reading that letter the Republican caucus thought they ought not to pursue the bill any further. This is what is known as an inferiority complex.

And now, I propose to pursue the subject a little further.

I cannot recall—but I would like to say that in Luzerne county, I know Mr. Muller does not like me to talk about the scandal in Luzerne county, but in Luzerne county we secured the information that mothers who voted infants in arms were put on the payroll in the Highway Department. That is a remarkable thing and another remarkable thing is the fact that in a previous administration the Governor removed from motor funds $1,800,000 for aeronautics.

Those two are—if we add those two together you get $2,400,000 that in error came from the motor fund. and that is the origin and inspiration and genesis of this bill.

I submit that the first duty of a representative of the people, in General Assembly met, is to preserve as far as possible the money paid in taxes.

For ten years since 1929, we have acquired the bad habit of writing blank checks on the Department of Highways and that is about the worse error we can make, because that is a tremendous sum of money in revenue. Now, this same subject has been up in New York State and a friend of mine handed me a copy of the New York Times of April 28, "Lehman's Attack on the Republican Budget Plan and Moffat's Defense." I will not read you the article, as it is eight columns in length, but Mr. Moffatt is Chairman of the Republican Ways and Means Committee and Mr. Moffatt says: "The question of whether the appropriation bill should be lump sums or segregated, or a combination of the two, is a matter that rests with the legislature in its inherent power over appropriations."

Now, to get to this letter, it is addressed to Dr. Logan and reference is made concerning Senate Bill No. 153 making appropriations to the Department of Highways and the motor fund in specific amounts for specific purposes for the biennium.

I am quoting from the letter: "As I have endeavored to explain several times, the work of the Department of Highways is subject to such unusual and unforseen variations that any attempt to appropriate its funds for specific purposes is liable to lead to a complete blocking up of the Department's functions due to inability to meet conditions as they may arise"—he uses the word "functions" five times in this letter, and going back to "unusual and unforseen variations" I would say it is a very unusual variation to spend $600,000 in Luzerne County to secure the mother's vote—a very unusual and unforseen variation for the Governor of this Commonwealth to be able to grant $1,800,000 without the consent of the General Assembly, and therefore I commend this bill—it may not be perfect. Right now I will read a little more from the lettter "I believe that in my years with the Department I have reached the point where on a functional basis I can make as close an estimate of the Department's needs as anyone in the state. I am frank to say, however, that no one could make an estimate of the funds required upon the classifications of Senate Bill No. 153 with any degree of accuracy.

He says, however "if the Legislature desires to obtain a certain amount of control over work of this Department—" he is willing to cooperate. He further says "it should be borne in mind that any appropriation made on the basis of the printed subject covers only the new money allotted to the Department of Highways for the fiscal biennium beginning June 1.

Now, then, this bill, he says does not appropriate money for any functions. I will read to you from page 3, under sub head (b) of the bill: "For the payment of wages or persons employed by the day or week or month for work in connection with the upkeep, repair and maintenance of the state highways and bridges thereon the sum of $30,000,000."

I submit that that is functional. If it is not functional to spend $30,000,000 on a governmental project what is it? In paragraph (H) it reads (h) for the propagation or purchase of trees, shrubs, vines or grass for planting on or along state highways and the maintenance of the same the sum of $200,000." I submit that that is functional.

Now then, Warren Van Dyke, who was what might be called a good deed in a naughty world when he was Secretary of Highways, he had what are called field auditors. Warren Van Dyke unfortunately died. His successor, Mr. Brownmiller—and I have no knowledge of him, I never met him—but he did quit employing skilled field auditors. If there had been field auditors perhaps there would not have been $600,000 of the state's money used in securing the vote of the mothers' vote in Luzerne County.

What I am arguing for is appropriation control. I do not know that I can say anything more, and after listening to

the monopoly here this afternoon, the monopoly of free speech I will cease and determine.

Mr. GELDER. Mr. President, in order that our friend, the good doctor from Philadelphia's confidence in foreordination shall not be demolished I now move that this bill go back to committee for further study. In making that motion however, I want to say that the Republican members of the Senate are not all without sympathy for the point of view of the Senator from Philadelphia—that there should be more budgeting of the funds handled by the various departments. We feel, however, in view of the fact that Dr. Logan said that the bill as constituted is not workable and there should be some changes that the department should be given an opportunity to come and make an explanation of their views on the subject, and have the budget officer in consultation.

And the question recurring,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. GELDER. Mr. President, I move that Senate Bill 153 be re-referred to the Committee on Highways.

Mr. OWLETT. Mr. President, I second the motion.

Mr. CAVALCANTE. Mr. President, I object to the motion. This is a very good bill, and the only possible reason that it is being sent back to committee and not considered now is because too many politicans have projected their proboscises in the situation.

Mr. WOODWARD. Mr. President, I ask for a roll call and I hope everybody will vote against the motion.

The yeas and nays were required by Mr. WOODWARD and were as follows, viz:

YEAS—25.

Bartlett,	Eroe,	James,	Snowden,
Chapman,	Farrell,	Letzler,	Stevenson,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	Miller,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,			

NAYS—18.

Cavalcante,	Gilson,	McCreesh,	Shapiro,
Coleman,	Haluska,	McGinnis,	Sipe,
Dent,	Jaspan,	Reed,	Stiefel,
DiSilvestro,	Kunkel,	Rice,	Woodward,
Frey,	Lanius,		

So the question was determined in the affirmative.

BILLS ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 456, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is hereby proposed in accordance with the eighteenth article thereof

That section one article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 Except as hereinafter specifically provided all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Income inheritance and estate taxes shall be levied and collected under general laws but such laws may grant exemptions and may impose graded or graduated rates but S [no income tax either on individuals or corporations shall exceed six per centum of the net income on which it is imposed and] no intangible personal property shall be subject to any other State or local tax either on income or capital values during any time that the income therefrom is taxed under any law imposing an income tax on individuals

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Lanius,	Shapiro,
Cavalcante,	Farrell,	Letzler,	Sipe,
Chapman,	Frey,	Mallery,	Snowden,
Coleman,	Gelder,	McCreesh,	Stevenson,
Crowe,	Geltz,	Miller,	Stiefel,
Dando,	Gilson,	Owlett,	Tallman,
Deitrick,	Haluska,	Pierson,	Thomas,
Dent,	Heyburn,	Reed,	Walker,
DiSilvestro,	Homsher,	Rice,	Wolfenden,
Ealy,	Kunkel,	Scarlett,	Woodward,
Edmonds,			

NAYS—3

James,	Jaspan,	McGinnis,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 675, as follows:

An Act for the registration and regulation of certain individuals and entites selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as "The Pennsylvania Securities Act"

Section 2 The follwing terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "security" means any bond stock collateral trust certificate transferable share investment con-

tract certificate under a voting trust agreement treasury stock note debenture certificate in or under a profit sharing or participation agreement subscription or preorganization certificate fractional undivided interest in oil gas or other mineral rights evidence of indebtedness certificate of deposit for a security certificate or instrument representing or secured by an interest in the capital assets or property of any company other instrument commonly known as a security or certificate of interest or participation in temporary or interim certificate for receipt for guarantee of or warrant or right to subscribe to or purchase any of the foregoing

(b) The terms "sale" and "sell" include every contract of sale or disposition of attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value except that such terms do not include preliminary negotiations or agreements between an issuer and any underwriter Any security given or delivered with or as a bonus on account of any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value The use of any newspaper or magazine advertisement in connection with the sale of securities to the purchasers specified in section two subsection (f) subdivision (5) hereof shall not be deemed a "sale" when such newspaper or magazine advertisement bears a legible lengend in substance as follows "This offer is confined in Pennsylvania exclusively to national banks and to banks savings institutions insurance companies and trust companies created under the laws of Pennsylvania and to persons registered under the provisions of the Pennsylvania Securities Act"

(c) The term "person" means an individual or a company

(d) The term "commission" means the Pennsylvania Securities Commission

(e) The term "company" means a corporation joint stock company partnership association company syndicate trust or unincorporated organization As used herein the term "trust" shall be deemed to include a common law trust but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity

(f) The term "dealer" means any person other than a salesman who engages in this State either for all or part of his time directly or through an agent in selling securities issued by another person The term "dealer" also includes any person other than a saleman who engages in this State either for all or part of his time directly or through an officer director employe or agent (such officer director employe or agent not being registered hereunder as a dealer) in selling securities issued by such person

The term "dealer" also includes any person other than a salesman who engages in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such person or in the business of buying securities directly from individuals who are not registered hereunder

None of the following transactions shall constitute the person engaging therein a "dealer" within the meaning of this act that is to say

(1) Sales of securities or of certificates of deposit for securities issued or guaranteed by any of the following The United States or any territory or insular possession thereof the District of Columbia any State of the United States or any political subdivision public instrumentality or agency of a State or territory or any board agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States

(2) Judicial executors' administrators' guardians' committees' and conservators' sales and sales by receivers or trustees in insolvency or bankruptcy

(3) Isolated transactions in which securities are sold by the owner thereof or by his agent for the owner's account such sales not being made in the course of repeated and successive transactions of a like character by such owner or on his account by such agent and such owner or agent not being the underwriter of such securities

(4) Sales by or for the account of pledge-holders or mortgages selling in the ordinary course of business to liquidate bona fide debts securities pledged in good faith as security for such debts

(5) Sales to national banks or to banks savings institutions insurance companies or trust companies created under the laws of this State or to persons registered hereunder

(6) Sales of unsecured commercial paper

(7) Sales of securities secured by mortgage deed of trust or other lien upon real or personal property where the entire mortgage deed of trust or other lien is transferred with the entire security thereby secured

(8) Sales wherein the issuer a company organized under the laws of this State or a company organized under other laws which has at least one-half of its paid-in capital invested employed or used in this State disposes of its own securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer without any commission or fee and at a total expense of not more than three per centum of the proceeds realized thereon and where no part of the issue is used directly or indirectly in payment for patents services good will or for property located outside of this State

(9) Sales wherein the securities are the securities of any corporation organized under the laws of this State whose authorized capital stock added to its other outstanding securities does not exceed twenty-five thousand dollars ($25,000) shares of stock without nominal or par value being considered for the purpose of this act to be one hundred dollars ($100) each and such securities are issued and disposed of for the sole account of the issuer in good faith and not for the purpose of avoiding the provisions of this act

(10) The original issuance and sale by any corporation organized under the laws of this State of its stock in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer so long as the number of stockholders of said corporation does not exceed twenty-five (25) and the securities are issued and disposed of without the use of advertisements circulars agents salesmen solicitors or any form of public solicitation

(11) The distribution by a corporation of securities issued by it to its security holders as stock dividend or other distribution out of earnings or surplus

(12) The issue of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities of claims of such security holders or creditors

(13) The issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders

(14) The transfer or exchange by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations

(15) The issuance and sale of its own stock by a building and loan association organized under the laws of this State

(16) The issuance and sale of its own securities by a corporation not organized and not engaged in business for profit

Provided however That the exemptions granted by subdivisions (8) (9) (10) and (12) of this subsection (f) shall not be effective to exempt any person as a "dealer" until after such person shall have filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail a statement in such form as the commission may prescribe of the facts relied on by such person to bring the proposed transaction with-

in the terms of one or more of said subdivisions (8) (9) (10) or (12)

(g) The term "salesman" means any individual employed appointed or authorized by a dealer to sell securities in this State and the term includes any individual employed appointed or authorized by a dealer to engage in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such individual for a dealer or in the business of buying securities directly from individuals who are not registered hereunder

(h) The term "secretary" means the secretary of the Pennsylvania Securities Commission

(i) The terms "fraud" "fraudulent" and "fraudulent practice" include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise representation or prediction as to the future not made honestly and in good faith an international failure to disclose a material fact the gaining directly or indirectly through the sale of any security of any underwriting or promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and fraudulent and any scheme device or other artifice to obtain such a profit fee or commission Provided however That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity

(j) The term "prospectus" means any circular advertisement pamphlet prospectus program circular-letter circular-telegram or other matter in the nature thereof which offers any security for sale

Section 3 Unless registered hereunder no dealer shall sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof directly or indirectly in order to produce funds to pay for other investments sold by such dealer or in the business of buying securities directly from individuals who are not registered hereunder Unless registered hereunder as a salesman of such dealer no salesman shall on behalf of any dealer sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such salesman for the dealer for whom he acts as a salesman or in the business of buying securities directly from individuals who are not registered hereunder The list of dealers and salesmen registered hereunder shall at all times be open to the public

Section 4 A dealer to be registered must submit sworn application therefor to the commission in such form as the commission may determine which shall state the principal place of business of the applicant wherever situated the location of his principal place of business and all his branch offices in this State if any his name or style of doing business and address the names residence and business addresses of all persons interested in the business as principals officers directors or managing agents specifying as to each his capacity and title the general plan and character of his business and the length of time during which he has been engaged in business Such application shall also contain a financial statement and such additional information as to the applicant's previous history record and associations as may be required by the commission Each application shall be accompanied by certificates or other evidences satisfactory to the commission establishing the good repute in business of the applicant his directors officers partners and principals If the applicant is a corporation organized under the laws of any other State or territory or government and shall not have qualified to do business as a foreign corporation in this State it shall accompany the application with a copy of its articles of incorporation certified by the proper officers of such State territory or government and its regulations and by-laws if a limited partnership a copy of its articles of partnership and if an unincorporated association organized under the laws of any other State territory or government or having its principal place of business therein a copy of its articles of association trust agreement or deed of settlement

Section 5 Every company organized under the laws of any other State or having no office in this State at which process may be served on it and every nonresident individual applying for registration hereunder as a dealer or salesman shall file with his application an irrevocable written consent under seal that actions against him arising from violations of this act may be commenced (a) in civil cases in the proper court of the county in this State where his principal office is located at the time of service or if he has no office at that time in this State in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside (b) in criminal cases in the proper court of any county of this State in which the cause of action may arise and (c) in actions by the commission for injunctions against violations by him of the provisions of this act in the Court of Common Pleas of Dauphin County in each case by a service of process upon the commission as his agent Such consent shall stipulate and agree that such service of process and similar service of pleadings and notices in such actions shall be taken and held in all courts to be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other State Such consent shall be authenticated by the signature of all the members of such partnership or if it is a corporation or association shall be authenticated by the signature of the president and secretary thereof and accompanied by a duly certified copy of the resolutions of the board of directors trustees or managers of the corporation or association authorizing the said secretary and president to execute the same In case any process pleadings or notices mentioned in this act are served upon the commission it shall be by duplicate copies one of which shall be filed in the office of the commission and the other immediately forwarded by the commission by registered mail to the dealer or salesman against whom said process pleadings or notices are directed

Section 6 If the commission is satisfied that an applicant for registration as a dealer hereunder is of good repute and that the proposed plan of business of the applicant is not unfair unjust or inequitable the commission shall register the applicant and issue to him a registry certificate stating the principal place of business and address of the dealer the names residences and business addresses of all persons interested in the business as principals officers directors or managing agents and the fact that the dealer has been registered for the current calendar year as a dealer in securities Pending final disposition of an application the commission may for special cause shown grant temporary permission revocable at any time and subject to such terms and conditions as the commission may prescribe to transact business as a dealer hereunder At least ten days before putting into effect a change in the plan of business contained in his application for registration every registered dealer shall notify the commission of such proposed change If the commission is not satisfied that the change is fair just and equitable the commission may within such ten days give notice of that fact to such dealer Thereafter until he shall have been notified to the contrary by the commission such dealer shall not put into effect any such change Upon request from such dealer filed within ten days after the receipt of such notice the commission shall fix a time and place for hearing of which ten days' notice shall be given to such dealer to offer evidence relating to such change If satisfied as aforesaid as a result of said hearing the commission shall thereupon notify such dealer of that fact

Section 7 The certificates of registered dealers shall be in such form as the commission may determine Changes in the certificates necessitated by changes in the personnel of a partnership or in the principals officers directors or managing agents of any dealer may be made at any time upon written application setting forth the fact necessitat-

ing the change Upon the issue of the amended certificates the original certificate and the certified copies thereof outstanding shall be promtly surrendered to the commission

Section 8 Upon written application by a registered dealer and upon satisfactory evidence as to their good repute fitness and qualification the commission shall register as salesmen of such dealer such individuals (not already registered hereunder) as the dealer may request The application shall be in such form as the commission may prescribe and shall state the residences and addresses of the individual whose registration is requested together with such information as to such salesman's previous history record and association as may be required by the commission Such application shall also be signed and sworn to by the salesman for whom registration is requested The commission shall issue to each individual so registered a registration certificate stating his name and residence the address of the dealer and the fact that he is registered for the current calendar year as a salesman of the dealer The certificate shall be in such form as the commission shall determine Upon application either (a) by the salesman if the commission finds that such dealer arbitrarily refuses to apply after a hearing which shall be held at the request of any salesman and notice of the time and place of which shall have been sent to the dealer and salesman at least seven days prior thereto or (b) by the dealer the registration of any salesman shall be cancelled

Whenever a salesman leaves the employ of the dealer on whose application the salesman was registered hereunder such dealer shall at once notify the commission of that fact and such salesman shall at once surrender his registration certificate to the commission

Section 9 If the commission declines or fails to register an applicant for registration as a dealer or salesman hereunder the commission shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to his application If satisfied as aforesaid as a result of said hearing the commission shall thereupon register the applicant

Section 10 All registrations shall expire at the close of the calendar year but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically requested by the commission Applications for renewals must be made not less than thirty nor more than sixty days before the first day of January of the ensuing year All applications for renewals received otherwise shall be treated as original applications Provided That if an applicant is registered after December first of any year he may immediately apply for a renewal of his registration for the ensuing year

Section 11 Any registered dealer may and any individual named in the registration certificate as above provided as a dealer's salesman may in behalf of such dealer sell any securities in this State But such dealer or salesman shall at all times when so engaged carry with him a registration certificate or a copy thereof certified by the commission which shall at any time be shown to any prospective customer upon such customer's request

No dealer or salesman shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any sale or effort to sell any security except to a prospective customer upon such customer's request

Section 12 Immediately upon receipt of a dealer's registry certificate issued pursuant to the authority of this act the dealer named therein shall cause such certificate to be posted and at all times conspicuously displayed in such dealer's princial place of business in this State and shall likewise forthwith cause a duplicate of such certificate to be posted and at all times conspicuously displayed in each branch office located in this State

Section 13 No dealer or salesman shall issue or publish in this State any prospectus until such dealer shall have been registered or temporary permission shall have been obtained as in this act provided The inclusion on the face of or within a prospectus or in a newspaper or magazine advertisement issued or published by or on behalf of a dealer who has been registered or by whom temporary permission has been obtained as in this act provided of the names of dealers not so registered shall not constitute a violation of this act Any advertising matter may by an appropriate readily legible legend printed thereon limit the offering thereby made to any particular character of sales or class of transactions in which event such advertising matter shall not be deemed to be for any other or additional purpose No dealer or salesman shall issue or publish in this State any prospectus unless a copy thereof in which or on a list attached to which the dealer's name appears as a proposed vendor shall have been filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail No dealer or salesman shall issue or publish within this State any prospectus after notice in writing given to him by the commission that in the commission's opinion the same contains any statement that is fraudulent false misleading or otherwise likely to deceive a reader thereof After three years from the receipt thereof by the commission it may in its discretion destroy any and all documents filed with it or mailed to it under the provisions of this section

Section 14 The commission may at any time require a dealer to file with it a list of securities which such dealer has sold in this State within the preceding six months or which he is at the time selling or any portion thereof and thereupon if it shall appear that any of such offerings of the dealer either (a) have not been made honestly or (b) have not been made in good faith (c) have been made with intent to deceive or defraud or (d) have been made without the dealer's having a reasonable amount of information concerning the issuer thereof the commission may prohibit the dealer from selling such securities in this State

Section 15 If the commission at any time has reason to believe that any dealer has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the dealer has been guilty of such offense revoke said dealer's registration Notice of the time and place of any such hearing shall be sent to such dealer If the commission believes that the public interest may be endangered by such dealer continuing in business pending or during such hearing the commission may also suspend such dealer's registration pending such hearing In either event the dealer shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of revocation or suspension of a dealer's registration all his registration certificates shall at once be surrendered to the commission upon its request The revocation or suspension of the dealer's registration shall constitute a revocation or suspension of the registration of all salesmen of the dealer and notice of its operation on such salesmen's registration shall be forthwith sent by the commission to each of such salesmen Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 16 If the commission at any time has reason to believe that any salesman of any dealer has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the salesman has been guilty of such offense revoke such salesman's registration Notice of the time and place of such hearing shall be sent to such dealer and to such salesman If the commission believes that the public interest may be endangered by such salesman continuing

in business pending or during such hearing the commission may also suspend such salesman's registration pending such hearing In either event the salesman shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of the revocation or suspension of a salesman's registration as a result of proceedings under this section or in case of the revocation or suspension of a salesman's registration as a result of proceedings against a dealer under section fifteen hereof in either such event the registration certificate of such salesman shall at once be surrendered to the commission upon its request Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 17 Any notice required by this act shall be sufficient if sent by registered mail addressed to the dealer or salesman as the case may be at the address designated in the application for registration All testimony taken at any hearing before the commission shall be reported stenographically and a full and complete record shall be kept of all proceedings before the commission on any hearing or investigation

All decisions of the commission including decisions of the commission not to register a dealer or salesman and decisions to prohibit the issuance or publication of particular prospectuses or to prohibit the sale of particular securities shall be in writing signed by the secretary of the commission under its seal and shall fully state the grounds therefor

Section 18 Any person aggrieved by any decision of the commission may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Every such petition shall specify the petitioner's objections to the action and decision of the commission and no objection not so specified shall be considered by the court Upon service of a summons upon the commission returnable within ten days from its date the commission shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact if any of the commission based upon such testimony a copy of all orders made by the commission in the proceedings and a copy of the action or decision of the commission which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the commission by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the commission's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the commission shall be disregarded

The case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

A judgment sustaining the refusal of the commission to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration nor shall a judgment in favor of the plaintiff prevent the commission from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered The court shall have full power to dispose of all costs

Section 19 The commission may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to any matter which the commission has authority under this act to consider or investigate and for this purpose it may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence The commission may require or permit any person to file with it a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter under investigation All information of every kind and nature so obtained shall be treated as confidential by the commission and shall not be disclosed to the public except under order of court but nothing in this section shall be interpreted to prohibit or limit the publication of the commission's ruling or decisions or of summaries abstracts or reports of the evidence received at hearings which resulted in such rulings or decisions or of summaries abstracts or reports of the reasons of the commission for declining to register any applicant if the applicant does not request a hearing upon his application Provided however That no publication shall be made of lists of security holders or customers of any person In case of disobedience of any subpoena or of the contumacy of any witness appearing before the commission the commission may invoke the aid of the court of common pleas within the jurisdiction of which the principal place of business of the dealer or salesman under investigation in this State is located or of any court of common pleas within the jurisdiction of which the witness may be found and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena to give evidence to produce books accounts records papers and correspondence or to file a statement under oath as aforesaid touching the matter in question Any failure to obey such order of the court may be punished by such court as a centempt thereof

Each witness required to attend before the commission shall receive for each day's attendance the sum of two dollars ($2.00) and shall receive in addition the sum of ten cents ($.10) for each mile of circular travel by such witness by the usual route between his home and the place where his presence is required All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this act as hereinafter provided for

The fees for serving a subpoena shall be the same as those paid the sheriff for similar services The fees and costs of or in connection with any hearing may be imposed by the commision upon any party to the record or may be divided between any or all parties to the record in such proportions as the commission may determine

Section 20 In any prosecution or proceeding under this act the accused shall be deemed to have knowledge of any fact or circumstances where in the exercise of reasonable diligence he could or should prior to the commission of the offense complained of have secured such knowledge

Section 21 No person shall by fraud or fraudulent practice induce holders of securities (a) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (b) to permit such person to dispose of such securities for the holders

Section 22 Any dealer or salesman who shall in this State without being registered hereunder either (a) sell any security (b) engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such dealer or by such salesman for a dealer or (c) engage in the business of buying securities directly from individuals who are not registered hereunder or any person who shall make any false statement of fact in any statement or matter of information required by this act to be filed with the commission or in any prospectus or communication which offers any security for sale or in any oral solicitation to purchase or in any commendatory matter concerning any security with intent to aid in the sale of the same who shall make any false statement or

representation concerning any registration made under the provision of this act who shall be guilty of any fraud or fraudulent practice or who shall represent that the Commonwealth of Pennsylvania the Commission or any member thereof the Department of Banking or any officer or employe of any of the foregoing has approved of or recommended any security and any person violating section twenty-one of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars ($5,000) or imprisonment for not more than five (5) years or both Any person who shall commit in whole or in part any other act declared unlawful by this statute shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one (1) year or both

Section 23 Neither the members of the commission nor the secretary nor any deputy examiner clerk or other employe of the commission shall publish or divulge to any one any information contained in or ascertained from any examination or investigation made by the commission or any letter report or statement sent to the commission or any other paper or document in the custody of the commission except when the publication or divulgement of such information is made by the commission pursuant to the provisions of this Act or of any other law of this Commonwealth or when the production of such information is required by subpoena or other legal process of a court of competent jurisdiction or when it is used in prosecutions or other court actions instituted by or on behalf of the commission or in cooperation with any other governmental agency or when pursuant to specific written authorization by the commission it is used in investigations by the commission

A violation of the provisions of this section by any member of the commission or by the secretary or by any deputy examiner clerk or other employe of the commission shall be sufficient ground for his removal from office In addition any member of the commission or the secretary deputy examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one (1) year or a fine not exceeding one thousand dollars ($1,000) or both

Section 24 Copies of all papers instruments or documents filed in the office of the commission certified under its seal shall be admitted to be read in evidence in all courts of law and elsewhere in this State in all cases where the originals would be admitted in evidence Provided That in any proceeding the court having jurisdiction may on cause shown require the production of the originals

Section 25 Nothing herein contained shall limit or diminish the liability of any person now imposed by law or prevent the prosecution of any person for the violation of the provisions of any other act

Section 26 The administration of the provisions of this act shall be vested in the commission The commission shall have authority from time to time to make amend and rescind such rules and regulations including rules of practice hereunder before it and to prescribe such forms as may be necessary or convenient to carry out the provisions of this act It shall be the duty of the commission to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and in its discretion to make such investigations upon complaint or otherwise as will or may in its opinion detect the violation of any provision hereof In the event that it shall discover any such violation it shall in addition to revoking any registration take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof Whenever it shall appear to the commission that any person shall have violated is violating or is about to violate any of the provisions of this act the commission may in addition to any other remedies bring an action in the name and on behalf of the Commonwealth of Pennsylvania against any such person to enjoin such person from doing any act or acts in violation of this act In any such court proceedings the commission may apply for and on demand shall be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employes salesman or agents and the production of documents books and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct or things complained of in such application for injunction In such action the several courts of common pleas shall have jurisdiction of the subject matter and a judgment may be entered awarding such permanent or temporary injunction as may be proper without bond

A certificate under the seal of the commission showing that the persons in question have not been registered either as dealers or salesmen shall constitute prima facie evidence that such persons have not been registered hereunder and shall be admitted in evidence in all proceedings in courts of law or equity within this Commonwealth

Section 27 The commission shall charge and collect the following fees and shall daily pay all fees received into the State Treasury through the Department of Revenue

(a) For the filing of any original or renewal application the sum of ten dollars ($10)

(b) For each registration certificate of a dealer whether on an original or a renewal application forty dollars ($40) except as hereinafter provided

(c) For each registration certificate of a salesman whether on an original or renewal application ten dollars ($10)

(d) For each registration certificate of a dealer issued after the first day of July of any year twenty dollars ($20)

(e) For each amended registration certificate twenty dollars ($20)

(f) For the filing of a notice of a proposed change in a dealer's plan of business twenty dollars ($20)

(g) For each duplicate of a registration certificate of a dealer twenty dollars ($20)

For copies of any papers filed in the office of the commission or for the certification thereof for transcripts of testimony taken at hearings before the commission for the preparation of records of proceedings before the commission and for issuing subpoenas and summons the commission shall charge such fees as it shall by general rule or regulation prescribe Provided however That the provisions of this section shall not prohibit the commission from issuing free of charge copies of records to other states or to the United States or any of their agencies

Section 28 This act shall become effective ten days after the final enactment thereof Provided however That all registration certificates issued by the Pennsylvania Securities Commission prior to the effective date of this act under the provisions of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" as amended shall be valid during the period for which they were issued unless sooner revoked or suspended by the commission for any cause for which the commission is authorized by this act to revoke or suspend a certificate of registration issued by it and all applications and proceedings pending before the Pennsylvania Securities Commission under the provisions of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven shall be continued before the commission and shall be disposed of according to the provisions of the said act And provided further That this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of said act

approved the thirteenth day of April one thousand nine hundred and twenty-seven as amended

Section 29 The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" and all amendments thereto are hereby repealed absolutely

All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, and members of the Senate, this is a qualification of the blue sky law bringing the thing up to date. That law was originally passed in 1923, largely I think at the instance of Senator Fisher who afterward became Governor—he was not, I believe a member of the Senate, but he had served in a previous term.

The bill was amended slightly in 1927 and since that time the Securities and Exchange commission has been established and there have been certain definitions of securities developed which makes our law not quite up to date.

This bill has nothing whatever to do with the administration of the Act; I mean it does not change the administration but merely provides for the work that is to be done by a commission or some other authority, in order to protect the investors of Pennsylvania. This bill has been prepared with a great deal of care and I hope it will appeal to my colleagues.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SHAPIRO. Mr. President, is it the purpose and intention of this bill to rip out the securities commission?

Mr. EDMONDS. Mr. President, it does not touch it at all.

Mr. SHAPIRO. Mr. President, is it true that another bill following this bill rips out the securities commission?

Mr. EDMONDS. Mr. President, I am unable to answer that question definitely, but I understand there was a bill in the House in preparation, but it is entirely different legislation.

Mr. SHAPIRO. Mr. President, then that bill would have no effect on the question here?

Mr. EDMONDS. No, Mr. President.

Mr. SHAPIRO. Mr. President, this bill is merely for the purpose of defining securities in the method developed in accordance with our experiences heretofor?

Mr. EDMONDS. That is correct, Mr. President.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Eroe,	Jaspan,	Rice,
Chapman,	Farrell,	Kunkel,	Scarlett,
Coleman,	Frey,	Lanius,	Shapiro,
Crowe,	Gelder,	Letzler,	Snowden,
Dando,	Geltz,	Mallery,	Stevenson,
Deitrick,	Gilson,	McCreesh,	Tallman,
Dent,	Haluska,	McGinnis,	Thomas,
DiSilvestro,	Heyburn,	Miller,	Walker,
Ealy,	Homsher,	Owlett,	Wolfenden,
Edmonds,	James,	Pierson,	Woodward

NAYS—4

Cavalcante,	Reed,	Sipe,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 782, (House Bill No. 964), as follows:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fourteen of the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as re-enacted and amended by the act approved the tenth day of March one thousand nine hundred thirty-seven (Pamphlet Laws forty-three) is hereby further amended to read as follows

Section 14 Relocation of Roads Streets and Bridges The Department of Highways and municipalities may enter into agreements with the board or Federal agencies to relocate roads streets bridges and viaducts necessitated by the construction of any State or Federal flood control works and improvements and may agree therein to construct new roads streets bridges and viaducts and pay the cost of the same or any part thereof from the Motor License Fund or municipal moneys without any charge or

only part of the cost charged against the moneys in the fund The board may consent in any such agreement to pay the whole or any part of the cost of constructing such relocated roads streets bridges and viaducts from the moneys in the fund Such relocated roads streets bridges and viaducts may be constructed by the Department of Highways or by contract let by said department or the municipality or by the board or by a Federal agency as may be agreed upon Relocation of state highways shall be made by plans properly approved as is required by law for the relocation of state highway routes and may be made without regard to terminal or intermediate points mentioned in the law establishing such routes The portions of state highway routes supplied by such relocations may be abandoned by the Secretary of Highways in the manner provided by law whereupon said abandoned portions of state highway routes shall revert to the authorities responsible for the maintenance of the public road or highway prior to its having been established as a state highway

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 22, on third reading, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 504, on third reading, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court, the judges thereof to consist of the retired judges of the Supreme, Superior, Common Pleas and Orphans' Courts, and to perform auxiliary judicial services in the several courts of the Commonwealth, and providing for their necessary expenses, and for the continuation of their retirement pay while performing such services.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DEITRICK. Mr. President, I ask unanimous consent that Senate Bill No. 594, on third reading, entitled:

An Act to further amend section three of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants; the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," providing for the licensing of certain nurses without examination.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063), on third reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining the regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 637, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all taxes delinquent for more than one fiscal year and providing remedies and penalties

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to interrogate the sponsor of this bill, Mr. Miller.

The PRESIDENT. Will the Senator from Luzerne, Mr. Miller permit himself to be interrogated?

Mr. MILLER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, as I understand it—and if I am incorrect I should like the Senator to correct me—this bill prohibits the removal of coal deposits by the owners of ground unless they have paid their taxes, or rather, if the taxes are in arrears for more than one year.

Mr. MILLER. That is right, Mr. President.

Mr. SHAPIRO. Originally, Mr. President, as this bill was framed it prohibited the giving of permission for the removal of the deposits until the taxes were paid, or rather where there was an arrearage of more than a year, and now there is an amendment which takes out the word "permit". Will the gentleman from Luzerne explain the reason for that?

Mr. MILLER. Mr. President, it just makes it a little more elastic, as I see it, by including the word delinquent.

Mr. SHAPIRO. Mr. President, I am speaking of the fact that when the bill was first introduced in the Senate it provided that the owner shall not remove or permit the removal of the coal deposits. As amended the act now reads: "Shall not remove" and the prohibition against permitting removal was eliminated and I am curious and anxious to know why that word was taken out.

Mr. MILLER. Mr. President, I will have to admit that I cannot answer that question.

Mr. SHAPIRO. Mr. President, does the Senator from Luzerne, Mr. Miller, agree that in taking the word out it will permit a company to evade the provisions of the Act, that they, themselves will simply not take it out but will permit someone else to take it out?

Mr. MILLER. I do not think that is the intention, Mr. President.

Mr. SHAPIRO. Mr. President, does the gentleman belive the bill should be amended to restore the word "permit"?

Mr. MILLER. Mr. President, I do not see why it should be restored—is not the same thing accomplished?

Mr. SHAPIRO. Unless Mr. President, if you restore it you will prevent bootleggers from taking coal—is that the purpose of taking it out? Was the word taken out for the purpose of allowing bootleggers to remove coal—so called bootleg coal dealers?

Mr. MILLER. I do not belive so, Mr. President.

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Luzerne further.

The PRESIDENT. Will the Senator from Luzerne, Mr. Miller permit himself to be further interrogated?

Mr. MILLER. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, does not the gentleman agree with me that taking out the word "permit" permit evasion of the Act?

Mr. MILLER. Mr. President, I would say no.

Mr. SHAPIRO. Mr. President, I should like to say a few words about this bill. I have great respect for the gentleman who is the sponsor of this bill and I do not think that he is as ignorant of the purpose of the amendment as he seems to think now.

Mr. MILLER. Mr. President, there is a clause here "they may remove or authorize"—it is the same thing.

Mr. SHAPIRO. Mr. President, the bill prohibits removal and suggests that the word "permit" be taken out. The bill now reads "it is unlawful for the owner of any mineral deposits in, on or under any tract of land of this Commonwealth or for any person, parnership association, or corporation in any fiscal year of any municipality to separate or remove or authorize the separation or removal of any of said mineral deposits from said tract prior to the payment in full of all taxes delinquent for more than any one fiscal year—"

This bill only prohibits the removal, or the authorization to remove it, but eliminates the word "permit" so that they may permit without authorization.

Now, there is either one of two things that happened in the preparation of that amendment—everybody in Pennsylvania knows that there are so-called bootleg coal dealers and, of course, if this bill stayed in its original form the owner would have to pay taxes where coal was being taken out by the bootlegger. Now, under this amendment the coal can be taken out by the bootlegger and the owner does not have to pay the taxes.

Now, let us understand the proposition. First of all, there is no reason why a coal dealer should be treated any worse than any other owner of property; the owner of property who does not pay his taxes should be made to pay them whether he be a coal dealer or not, and there are various ways in which a coal dealer can be made to pay the taxes if the authorities in the county want to do it.

We have been afraid to take any steps on the question of bootlegging because we know there have been rights established and certain conditions exist that may not justify those who permitted or allowed those conditions to go on to take drastic action at this time; but there is no reason under the sun why these men should be singled out and why we should not include the provision that nobody should use his land unless he pays taxes; but, to be logical, to pass a bill providing that coal dealers shall not remove coal from the ground unless they pay their taxes, and then in the same breath say if somebody else removes it for them that is all right, that can be done, and the taxes do not have to be paid, I suggest to the gentleman that there is no question in my mind, and there cannot be to anyone who reads this bill, that what is going to happen is, in districts where coal is being bootlegged there will be no taxes paid.

The bill is wrong in principle, it singles out a group and makes a special law. We prohibit the owner from using the land unless he pays his taxes and at the same time leave an opening for some one to get the gain from the ground without the owner paying the taxes.

Mr. WALKER. Mr. President, I cannot quite agree with the interpretation of my destinguished colleague the Senator from Philadelphia, Mr. Shapiro, as to section 2 of this Act. In my opinion the Act reads: "It is unlawful for the owner of any mineral deposits, in or under any tract of land of this Commonwealth, or for any other person, partnership, association, or corporation in any fiscal year of any municipality to separate or remove or authorize the separation or removal—." Now, the word "permit" of course, is stricken from the Act by the Senate Committee amendment, as indicated on line 5, page 2; but I think if the interpretation of the gentleman from Philadelphia, Mr. Shapiro, would be followed you would find where the company sat back and acquiesced in the removal that would be an implied authorization and would be clearly covered by line 5 of the Act.

The Act says "remove or authorize," and if corporations or parnerships, or undividuals stood quitely by and permitted the removal and acquiesced in it that would be an implied authorization which would make them liable under this Act.

Mr. SHAPIRO. Mr. President, I say I have heard the gentleman from Allegheny, Mr. Walker, speak on the subject of transportation and carriers, and I gathered from that, and got the impression, he was a good lawyer. He has not changed my impression now—he is a good

lawyer, because he is obviously evading a fact. Anybody knows that authorization is not permitting. Anybody knows that if I am prohibited from authorizing—if I sit back and let somebody else do it I am permitting. I would like the gentleman from Allegheny, Mr. Walker, to tell me who prepared the amendment for the committee so that I can direct my inquiry to him.

Mr. WALKER. Mr. President, not being a member of that committee is it possible for me to tell the Senator from Philadelphia, Mr. Shapiro, who that gentleman was who prepared that amendment; but might I say to the gentleman from Philadelphia we do not rate our great lawyers in Allegheny County by their ability to evade the facts.

Mr. DENT. Mr. President, I do not want to enter into this argument between two lawyers, but any lawyer knows bootleggers are not permitted or authorized and there is not a darn thing the coal company can do about it. This bill will allow removal of coal by the bootleggers and there is nothing to be done about it, they just go in and do it without permission.

There is another argument I believe more essential at this time in the matter of bootleg coal. You will allow this bill to pass and you will shut down the greater portion of all the coal mines in Pennsylvania, because during the past seven or eight years you have had a depression and it has been felt more by the coal operating companies than any other particular type of activity in the State of Pennsylvania. Those companies which are struggling for existence to-day are doing their very best to pay up some of their back taxes, and in doing so they are keeping employed thousands and thousands of employees; and I say to this Senate that this is a punitive piece of legislation aimed at some particular company or companies, whom somebody wants to drive into line. So, I do not care very much about whether the bootleggers can mine. If you are exempting the bituminous coal mine and want to go into the anthracite and stop them, that is all right, but I object to the bill because the bituminous operators are doing their very best to pay their taxes, and we need them and need every individual operator in my community, and this bill will absolutely shut down the coal operations in my county, if and when they can come to an agreement and can go back to work. I do not believe any such legislation is fair. If you want to stop coal miners from operating because they have not paid taxes, then why don't you stop some of the other industries?

It seems to me when there is something to be done about taxes the decision is always made against the operators. Throughout the entire history of this State we have seen the coal operators and coal miners and everyone connected with coal affected by such measures as this; and in behalf of the coal operators and coal miners in my community I ask those Senators who do not have coal mines in their community to vote "no" on this bill.

Mr. OWLETT. Mr. President, I am not sure at all that I approve of the amendments to this Act, but in order to enlighten the Senator from Philadelphia, Mr. Shapiro, it was my recollection that he was present at the meeting of the Committee on Judiciary General when the words "or permit" were taken out. I know I was present and heard the discussion and I think there were as many Democratic members as there were Republican members.

The question was raised in the committee that in the sections where there was bootlegging of coal going on if, the words "or permit" were left in there and the operators found themselves in a position where they could not stop it and had no policing methods to stop it they might prosecute—I think Senator McGinnis was there—and somebody suggested it would be an innocent prosecution of the owners of land if that "or permit" were left in there, and so it was taken out with the unanimous approval of the committee.

Now, Mr. President, I do not believe that was any secret, there is nothing that that everybody on the committee did not thoroughly understand. I do not know who prepared the amendments but I would suggest to the sponsor of the bill that it had better go on the postponed calendar until we can consider it further.

BILLS POSTPONED

Mr. MILLER. Mr. President, I move that Senate Bill No. 637 be placed on the postponed calendar.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I have no objection to the bill being placed on the postponed calendar, but I think this is the kind of legislation which ought to be considered. I want to correct the gentleman from Tioga, Mr. Owlett. If I had been in the committee meeting, present when this was going on, I would not have raised the question I did. I was not present—that was one meeting I did not attend. I was told if I had been there the Democrats would have had a majority on that Committee, for the first time. I heard the amendment was made in the committee or discussed in the committee. I think it would have been much better if this answer had been given in the first place.

I got the distinct impression from the taking out of this word that it was intended to relieve the owners whose coal was being bootlegged and if that is so we are thereby lending encouragement to something we all know is not right.

Mr. DENT. Mr. President, I do not object the bill going on the postponed calendar. There is only one promise I want from the majority party, and that is that this bill will not be called up when I am not here. I try to be here and I have not been away from here many sessions, and I am anxious to be heard on this bill.

Mr. MILLER. Mr. President, I will assure the gentleman the bill will not be called up in his absence.

Mr. OWLETT. Mr. President, Senator Miller, the sponsor of this bill, was not on the Committee; he was not in the meeting of Judiciary General Committee when this bill was considered.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. MILLER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. DANDO. Mr. President, I ask unanimous consent that Senate Bill No. 695, on third reading, entitled:

An Act to deny a right of action and to relieve counties of liability for damages for injury to or destruction

of property by action of a mob or in consequence of a riot and repealing inconsistent acts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 792, entitled:

An Act to amend sections three hundred ten and three hundred eleven of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild animals and amending revising consolidating and changing the law relating thereto" by providing for monthly returns and payments by issuing agents.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 794, entitled:

An Act to further amend sections two hundred twenty-three two hundred twenty-four and two hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the baundaries lakes and boundary rivers of the Commonwealth" by providing for monthly returns and payments by issuing agents.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 929, on third reading, entitled:

An Act to further amend sections one thousand two hundred one one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes substitutes and temporary employes and further regulating the employment dismissal suspension demotion and retirement of such employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I have received about 780 telegrams from teachers and I imagine most of the Senators have received a similar number. I can figure that up and see it will run into about $400 in money, and I am very sorry that all that money was not devoted to some more constructive purpose. I think the teachers should know by now—and I think it worthwhile to say—that the sending of telegrams en masse in this fashion does not help and does not bring the matter to focus. Four people—after these telegrams came, and I had not read them—four or five people who were interested in this matter came to see me and we sat for an hour talking this matter over and in that hour we came to an understanding on the situation more thoroughly than if they had spent $10,000 in telegrams.

There is some merit in some of the objections which the teachers raised and I suggest that we take a little more time to discuss the matter. I am sure the Senator from Montgomery, Mr. Edmonds, and myself will have a discussion on it to see if we cannot meet and iron out the objections, which, as I see it, are not very serious.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 930, on third reading, entitled:

An Act to further amend section four hundred four of the act approved the eighteenth day of May one thousand nine hundred eleven (P L., 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania togther with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 289, (House Bill No. 282), on third reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 289, (House Bill No. 282), entitled:

An Act to repeal the act, approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, the Act intended to be repealed by this bill was passed because the Supreme Court said appointees by the Legislature could only be removed by the Legislature. The Governor exercised his function to remove the two gentlemen in question and those two gentlemen did not like it and took the matter to the lower court and the lower court decided in favor of the right to remove and the Supreme Court overruled the lower court and said those two people, having been appointed by the Legislature, could not be removed.

The Legislature then passed an Act removing those two people, exercising the authority which the Court said it had, and that bill was passed. Now this is a new Legislature, controlled by the Republicans, and the Republicans now want to repeal that bill; and that left the situation this way: that there is no limit to the terms to which two men have been appointed. Now there has been complaint about the General State Authority and on our calendar here, the bill right ahead of this is a bill to limit the terms of those men appointed by the Legislature, and it is contended that term should be limited.

When it works to suit the Republicans they pass the bill and when it works to hurt them they revoke it; and I am going to say to those men who have chided us for having made removals on a political basis, and argue that the Governor has a right to do that—they should be consistent and vote against this bill, because if the Governor has the right to remove people of good repute from Public Assistance Boards when he, a new Governor, comes in, certainly a Governor has the right to remove from the pay-roll the Delaware River Bridge Commission, and I ask my colleagues to vote "no" on this bill.

And the question recurring,

Shall the bill pass finaly?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Eroe,	Letzler,	Snowden,
Cavalcante,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Reed,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,

NAYS—16

Coleman,	Frey,	Kunkel,	Rice,
Dando,	Gilson,	Lanius,	Shapiro,
Dent,	Haluska,	McCreesh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. HOMSHER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 505, on third reading postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 505, entitled:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, before the vote is announced I want to explain the reason I voted "no" on this bill. During the period we went through that we generally refer to as the depression many banks and trust companies held bonds in their possession, in their capacity of fiduciaries for widows and orphans, and in order to raid those funds they purchased from their banking departments worthless mortgages, worthless securities on real estate, and took the money of their wards—the widows and the orphans—and the Courts of this Commonwealth have already held that any bank or trust company which took fiduciary funds out and bought mortgages and worthless securities from their banking departments were liable to the widows and the orphans for the money that they had taken to buy those worthless mortgages; and now this Act of Assembly validates those purchases—those transfers of money, and prohibits those widows and those orphans from holding those banks and trust companies accountable for that raid on their money.

Mr. SIPE. Mr. President, I know that there is nothing at present before the Senate but I would like to say a

word as to my reasons for voting against this bill. They are the same as those of the Senator from Fayette, Mr. Cavalcante, but I want to make the additional statement that every lawyer knows that it is a fundamental rule of law, whether they are fiduciaries or not, that banks and trust companies have no right to purchase their own securities.

Mr. SHAPIRO. Mr. President, I should like to know how it is we acted on this bill when it is under the heading of Third Reading Bills Postponed.

The PRESIDENT. It was called up by the Senator from Lancaster, Mr. Homsher.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bartlett,	Edmonds,	James,	Pierson,
Chapman,	Eroe,	Jaspan,	Rice,
Coleman,	Farrell,	Lanius,	Scarlett,
Crowe,	Frey,	Letzler,	Snowden,
Dando,	Gelder,	Mallery,	Stevenson,
Deitrick,	Geltz,	McCreesh,	Stiefel,
Dent,	Haluska,	McGinnis,	Thomas,
DiSilvestro,	Heyburn,	Miller,	Wolfenden,
Ealy,	Homsher,	Owlett,	

NAYS—8

Cavalcante,	Reed,	Sipe,	Walker,
Kunkel,	Shapiro,	Tallman,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 748, on third reading postponed for the present.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 748, entitled:

An Act to amend section forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provided for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to provide for the preservation of registration records

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" th question was determined in the affirmative.

Ordered, That the Clerk present said bill to the Hous of Representatives for concurrence.

Mr. MILLER. Mr. President, I move that the Senate d now resume consideration of Senate Bill No. 749, on thir reading postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consider ation of Senate Bill No. 749, entitled:

An Act to amend section thirty-nine of the act ap proved the twenty-ninth day of April one thousand nin hundred and thirty-seven (P. L. 487) entitled "An act t provide for the permanent personal registration of elec tors in boroughs towns and townships as a condition o their right to vote at elections and primaries and thei enrollment as members of political parties as a furthe condition of their right to vote at primaries prescribin certain procedure for the conduct of elections and pri maries and the challenge and proof of qualifications o electors requiring the county commissioners of the vari ous counties to act as a registration commission therefo and prescribing the powers and duties of citizens partie political bodies registration commission commissioner registrars inspectors of registration and other appointee of registration commissions county election boards elec tion officers municipal officers departments and bureau police officers courts judges prothonotaries sheriffs count commissioners peace officers county treasurers count controllers registrars of vital statistics certain public util ity corporations real estate brokers rental agents an boards of school directors and imposing penalties" to pro vide for the preservation of registration records

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printe as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the pro visions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the uestion was determined in the affirmative.

Ordered, That the Clerk present said bill to the House Representatives for concurrence.

Mr. MILLER. Mr. President, I move that the Senate do ow resume consideration of Senate Bill No. 750, on third ading postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consider- ion of Senate Bill No. 750, entitled:

An Act to amend sections thirty-three and thirty-four the act approved the twenty-fifth day of May one thou- nd nine hundred and thirty-seven (Pamphlet Laws eight undred forty-nine) entitled "An act to provide for the ermanent personal registration of electors in cities of the ird class as a condition of their right to vote at elections nd primaries and their enrollment as members of political arties as a further condition of their right to vote at rimaries prescribing certain procedure for the conduct of ections and primaries and the challenge and proof of ualifications of electors and proscribing the powers and uties of citizens political bodies registration commissions ommissioners registrars inspectors of registration and other ppointees of registration commissions county election oards election officers municipal officers department and ureaus police officers courts judges prothonotaries sheriffs ounty commissioners peace officers county treasurers ounty controllers registrars of vital statistics certain public tility corporations real estate brokers rental agents and oards of school directors imposing penalties and repealing xisting legislation" to eliminate the necessity for the com- ission to prepare and distribute preliminary street lists

And said bill having been read at length the third time, nd agreed to,

And the amendments made thereto having been printed s required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the pro- isions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the uestion was determined in the affiirmative.

Ordered, That the Clerk present said bill to the House f Representatives for concurrence.

Mr. MILLER. Mr. President, I move that the Senate do ow resume consideration of Senate Bill No. 751, on third eading postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consider- tion of Senate Bill No. 751, entitled:

An Act to amend sections thirty-two and thirty-three of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken aggreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kunkel,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Shapiro,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Stiefel,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 160, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended further regulating the taking of fish from inland waters and the possession thereof changing the fee for securing a duplicate fishing license upon loss of the original and the requirements as to giving notice of closing waters to fishing by the board providing additional penalties and authorizing and regulating the acquisition use control leasing sale and exchange of property by the Board of Fish Commissioners and of rights in or relative to and the products of such property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2120) is hereby further amended to read as follows

Section 20 Closed Seasons The following seasons are hereby established for

(a) Charr commonly called brook trout or any species of trout except lake or salmon trout from the first day of August to the fourteenth day of April next following both dates inclusive

(b) Lake trout or salmon trout from the thirtieth day of September to the thirtieth day of June next following both dates inclusive

(c) Small mouth and large mouth bass white bass crappie strawberry or calico bass pike perch otherwise called wall-eyed pike or Susquehanna salmon pickerel muscallonge western and northern pike from the first day of December to the thirtieth day of June next following both dates inclusive Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed while fishing through holes in the ice

Section 2 Section thirty of said act as last amended by the act approved the twenty-second day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 621) is herby further amended to read as follows

Section 30 Legal Sizes No person shall have in possession except as in this article otherwise provided any

(a) Charr commonly called brook trout or any species of trout except lake trout less than six inches in length

(b) Black bass or small mouth bass or large mouth bass otherwise called Oswego green or yellow bass less than nine inches in length

(c) Pike-perch otherwise called wall-eyed pike or Susquehanna salmon less than twelve inches in length

(d) Pickerel less than twelve inches in length

(e) Muscallonge western and northern pike less than twenty-two inches in length

(f) Rockfish or striped-bass less than twenty inches in length

Section 3 Section forty of said act as last amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (Pamphlet Laws 148) and the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 40 Number of Fish and Fish-bait Which may be Caught No person except as in this article otherwise provided shall in any one day catch kill or have in possession more than the number of fish or fish bait hereby designated for the respective species that is to say

(a) Charr or trout of the combined species ten

(b) Lake or salmon trout eight

(c) White bass rock-bass crappie strawberry or calico bass fifteen

(d) Small or large mouth bass six

(e) Pike-perch otherwise called wall-eyed pike or Susquehanna salmon six

(f) Pickerel eight

(g) Muscallonge western and northern pike two

(h) Yellow perch fifteen

(i) Sunfish fifteen

(j) Catfish fifteen

(k) Suckers fifteen

(l) Chubs fifteen

(m) Fallfish fifteen

(n) Rock-fish or striped-bass five

(o) Carp fifteen

(p) All other species of fish not specifically mentioned in this section except eels fifty

(q) Fish-bait thirty-five or bait-fish thirty-five or fifty combined

Section 4 Sections two hundred and twenty and two hundred and twenty-one of said act as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2643) are hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any issuing agent within the Commonwealth or to the Department of Revenue and upon the establishment of his idenity to the satisfaction of the issuing agent or the Dapartment of Revenue by producing a bank book letters lodge cards police cards a motor vehicle operator's permit or some other positive means of identification that he has been a bona fide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States and in the case of naturalized foreign-born residents the production of such applicant's naturalization papers shall upon the payment to the issuing agent or the Department of Revenue of a license fee of one dollar and fifty cents ($1.50) for the use of the Commonwealth and in the event that the license is issued by an issuing agent a fee of ten cents (10c) for the use of the issuing agent be entitled to the license herein referred to as "a resident fishing license"

In case the license certificate is lost or destroyed a duplicate can be secured from the Department of Revenue by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate and in case both the license certificate and the button are lost or destroyed a new license and button may be secured from the Department of Revenue upon making affidavit to that effect and the payment of a fee of fifty cents (50c)

Upon the making of an application by any person to the Department of Revenue for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar ($1.00) for the use of the Commonwealth such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea Borough line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

Section 221 Non-resident and Alien Non-resident Fishing License Fees Tourist Fishing License Fees for Non-Residents and Alien Non-Residents A For the purpose of this article every person twelve years of age and upward upon application to any issuing agent within the Commonwealth or to the Department of Revenue and the presentation of proof that he is a non-resident of this Commonwealth but a citizen of the United States and in the case of naturalized foreign-born non-residents the production of such applicant's naturalization papers shall upon the payment to the issuing agent or the Department of Revenue of the same amount as is charged and received from non-residents by the State of which the applicant is a resident for a similar license (not however less in any case than two dollars and fifty cents ($2.50) SC) and in the event that the license is issued by an issuing agent the payment of ten cents (10c) for the use of the issuing agent be entitled to the license herein referred to as a non-resident fishing license"

B For the purposes of this article every person twelve years of age and upward upon application to any issuing agent within the Commonwealth or to the Department of Revenue and the presentation of proof that he is a non-resident of the Commonwealth but a citizen of the United States and in the case of naturalized foreign-born non-residents the production of such applicant's naturalization papers shall upon the payment to the issuing agent or the Department of Revenue of a license fee of one dollar and fifty cents ($1.50) for the use of the Commonwealth and in the event that the license is issued by an issuing agent a fee of ten cents (10c) for the use of the issuing agent be entitled to the license herein referred to as a "tourist fishing license" which shall be valid for a period of three days

In case the license certificate is lost or destroyed a duplicate can be secured from the Department of Revenue by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate and in case both the license certificate and the button are lost or destroyed a new license and button may be secured from the Department of Revenue upon making affidavit to that effect and the payment of a fee of fifty cents (50c)

Section 5 Section two hundred and fifty-one of said act as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 801) is hereby further amended to read as follows

Section 251 Power of Commissioner and His Agent to Fish Rules and Regulations The Commissioner or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices The Commissioner with the approval of the Board may promulgate such rules and regulations for the angling catching or removal of fish in or from any of the inland waters artificial or otherwise and the boundary lakes and boundary rivers of this Commonwealth as he may deem necessary To aid in the better protection of fish in any of the inland waters and boundary lakes and boundary rivers of this Commonwealth the board may also reduce or increase open seasons and creel possession size and season limits or may close or open seasons as in its judgment may be necessary to conserve the future fish supply in any portion of the inland waters and boundary lakes and boundary rivers of this Commonwealth

To reduce or increase open seasons or creel limits or to open or close seasons for fishing in any portion of the inland waters or boundary lakes or boundary rivers of the Commonwealth the board shall prepare and distribute such posters or notices as in its judgment may be necessary to give due notice of its regulations adopted hereunder

Any person violating any of said rules and regulations shall upon conviction as provided in chapter fourteen of this act be sentenced to pay a fine of twenty dollars and in addition thereto may be fined ten dollars for each fish caught taken or had in possession contrary to such rules and regulations of the board

Section 6 Section two hundred and fifty-five of said act as amended by the act approved the fifth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 276) and the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 255 Nursery Waters The board is authorized to set aside at its discretion or upon petition of one hundred and fifty residents who shall be holders of fishing licenses such streams lakes dams ponds or parts thereof as it may judge best as nursery waters in which fishing shall be prohibited for such periods of time as the board may prescribe Before setting aside such waters the board through the Commissioner shall give notice of closing such waters by publishing the prohibition and the duration thereof in such manner as the board may prescribe Notice of such closing shall also be posted along the banks of such waters Any person fishing catching or killing any fish from any stream or water so closed shall on conviction in the manner provided by chapter fourteen be sentenced to pay a fine of one hundred dollars

Section 7 Section two hundred and sixty-five of said act as amended by the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 312) is hereby further amended to read as follows

Section 265 Sunday Fishing Lawful Exception It is lawful to fish in any of the waters wholly within or on the boundaries of this Commonwealth for any species of fish during the open season therefore with not more than two rods and two lines and one hand line with not more than three hooks attached to either line and it is also lawful to take bait-fish and fish-bait with a dip-net or minnow seine not over four feet square or four feet in diameter a minnow trap with not more than one opening which shall not exceed one inch in diameter on the first day of the week commonly called Sunday if the consent of the owner or lessee of the land abuting on a stream or body of water and of the bed thereunder where the fishing is done has first been secured but no such consent shall be required to fish in the manner above provided in a stream or body of water on State owned or Federal lands nor in a river or body of water the bed of which is publicly owned except where the fishing is done from abutting land privately owned in which case the consent of the owner or lessee shall first have been secured It is unlawful to fish on any Sunday in any other manner than hereinbefore provided or in streams and waters contrary to the provisions of this section Any person violating any of the provisions of this section shall on conviction as provided in chapter fourteen of this act be subject to a penalty of twenty-five dollars

Section 8 Chapter fifteen of said act is hereby amended by adding thereto after section two hundred and eighty-five sections two hundred and eighty-six two hundred and eighty-seven two hundred and eighty-eight and two hundred and eighty-nine to read as follows

Section 286 Acquisition of Lands (a) The board may acquire title to or control of lands or buildings within the Commonwealth or the fishing rights or other rights on lands suitable for the protection propagation and management of fish life or for public fishing or administrative purposes or to be used as hereinafter provided by purchase gift lease or otherwise

(b) The board may also purchase tax delinquent lands from the commissioners of the respective counties or from the county treasurers of the respective counties as provided by law

(c) The board may exchange timber which should be cut from lands for which title has been acquired for suitable lands having an equal or greater value than the estimated value thereof

Provided That when the estimated value of or the value placed upon such timber in any such agreement for exchange exceeds three hundred dollars ($300.00) the proposed exchange shall be advertised at least once a week for three successive weeks in two newspapers of general circulation if so many be published in the county where the said timber may be situate

(d) Lands for which titles are acquired may be designated State Fish Hatcheries or State Fish Farms or State Fish Propagation Areas or Public Fishing Grounds depending upon the purpose for which they are to be used Other lands for which the board secures control or partial control may be given such designation as the board may decide

(e) All acquisitions of lands shall be made only with the consent of the Governor and a majority of the board The commissioner shall represent the board in the execution of land purchase contracts and in the execution of leases and other similar agreements approved by the board

(f) The board may lease or otherwise secure rights of way on and across either publicy-owned or privately-owned lands or water or other rights which may be required to conduct its proper functions

Section 287 Title and Control The title to any lands to be acquired by purchase gift exchange or otherwise shall be taken in the name of the Commonwealth for use of the board of Fish Commissioners

The title records for such lands shall first be carefully searched and examined by the board through its employes or agents and when satisfied a valid title can be secured a brief of the title shall be submitted to the Attorney General or a deputy attorney general whom he may designate for such review as he may deem necessary and if he considers said title valid he shall approve it and so notify the board

The deed to any such lands shall be deposited with the Secretary of Internal Affairs

The entire control of all such lands shall be under the direction of the board

Section 288 Purchase Price For land to be used as State Fish Hatcheries State Fish Farms State Fish Propagation Areas or Public Fishing Grounds the board may pay what it considers a fair and reasonable price

Buildings for administration management or other purposes with or without land may be purchased or con-

structed and land may be purchased upon which to construct such buildings at prices which the board considers fair and reasonable consistent with the purpose for which intended Provided That the contract for and the construction of any such building shall be in accordance with the provisions of existing law governing the erection of buildings for other departments of the State Government and for administrative boards and commissions

The board may expend for lands or buildings or other improvements or for leases during any year such amount as in its opinion can be allotted for such purposes

Section 289 Exchange or Sale (a) The board may by resolution adopted by unanimous vote at a meeting when at least a majority of the members are present and voting authorize the exchange or sale of any lands for which title has been acquired or part thereof or buildings or other improvements and appurtenances thereto for privately-owned lands or buildings having an equal or greater value and suitable purposes when the board deems such exchange or sale for the best interests of the Commonwealth

The necessary deeds or records to consummate such sale or exchange shall be subject to approval of the Attorney General or a deputy attorney general whom he may designate and shall be executed by the commissioner acting for the Commonwealth The proceeds of any such sale shall be deposited in the Fish Fund

(b) Lands or buildings to which title has been taken in the name of the Commonwealth for use of the board by purchase gift or otherwise shall be exempt from the payment of all taxes except such fixed charges as apply to and are imposed upon State forests

(c) Lands for which title has been acquired for use of the board or which have been leased or any part thereof may be used for the purpose of creating and maintaining State Fish Hatcheries State Fish Farms State Fish Propagation Areas and Public Fishing Grounds either for the propagation of fish or for fish propagation experiments or for special preserves as hereinafter provided and as much thereof as deemed necessary may be used for the administration development and management of such lands and the board may permit its employes or agents to reside thereon

(d) The board may cut or cut and remove and sell or otherwise dispose of or permit the cutting removing and selling of timber on lands for which title has been acquired

(e) The board may grant rights of way or licenses for rights of way for roads pipe lines electric lines telephone lines and telegraph lines on and across lands for which title has been acquired for its use when such grants will not in the opinion of the board adversely affect fish propagation and shall charge for such licenses such remuneration and damages as the board deems the conditions and circumstances warrant

(f) The board may grant water rights or rights to maintain airway beacon lights or forest fire observation towers on lands acquired for its use when such grants will not adversely affect fish protection and propagation and may charge for such licenses such rental and damages as the board deems the conditions and circumstances warrant

(g) No camp site lease may be issued to any person nor shall overnight camping be permitted on State Fish Lands except that such rights may be granted to officers or agents of the board of the Pennsylvania Game Commission or the Department of Forests and Waters or the United States Forest Service or any other governmental agency when necessary for the performance of official duties incident to wildlife or forest preservation

(h) All net proceeds from the sale of timber or for licenses or other rights granted by the board shall be deposited in the Fish Fund

(i) The board may purchase erect or otherwise acquire or secure the use of and repair and maintain such buildings or other improvements on lands acquired for its use or under its control as may be deemed necessary for their proper utilization maintenance protection development administration propagation of fish experimental activities or any other purpose incident to the board's functions

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requrng bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 376, (House Bill No. 74), entitled:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth and sixth class

The first section of the bill was read as follows:

Section 1 Section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 941) is hereby further amended to read as follows

Section 278 In Counties of the Fifth and Sixth Class—In counties of the fifth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective and in counties of the sixth class the district attorney with the approval of the court of quarter sessions may appoint one chief detective and one assistant county detective

The court of quarter sessions shall fix the compensation of the county detectives and shall direct the clerk of said court to certify the same to the county commissioners who shall draw their warrants on the treasurer in favor of said detectives for the amount so certified

Such county detectives shall hold their positions during the term of the district attorney appointing them and shall be removable at his discretion They shall have possess and exercise all the rights and powers conferred by law upon constables in so far as such law or laws relate to crimes and criminal procedure and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case They shall also perform such other duties as the district attorney may direct Such county detectives shall be allowed their expenses actually and necessarily incurred in the performance of their duties

On the question,

Will the Senate agree to the section?

Mr. EROE. Mr. President, I move to amend sec. 1 (Sec. 278), page 2, line 10, by striking out the words S "H and Sixth"; amend sec. 1 (Sec. 278), page 2, lines 25, 26 and 27, by striking out the words S "SC and in counties of the sixth class the district attorney with the approval of the court of quarter sessions may appoint one chief detective"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 Section two hundred and eighty of said act and its amendments are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth and sixth class

On the question,

Will the Senate agree to the title?

Mr. EROE. Mr. President, I move to amend title. page 1, last line of title, by striking out the words S "H and sixth class"

Mr. DANDO. Mr. President, I second the mation.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule reqciring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 474, entitled:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings by the prosecuto. or defendant or partly by each

Section one of the bill was read as follows and agreed to:

Section 1 That the paragraph relating to the payment of costs in dismissed summary conviction proceedings contained in section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" is hereby amended to read as follows

In all summary conviction proceedings in which the evidence is not sufficient to convict and the defendant is dismissed the costs of the suit shall be divided between the prosecutor and the defendant

The title of the bill was read as follows:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings by the prosecutor or defendant or partly by each

On the question,

Will the Senate agree to the title?

Mr. CAVALCANTE. Mr. President, I move to amend the title by striking from the end thereof the following: "by the prosecutor or defendant or partly by each"

Mr. REED. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

Mr. EALY. Mr. President, the amendment of the Senator from Fayette, Mr. Cavalcante, has not taken care of a part of the language in the bill as amended. I think this bill is defective the way it has been amended. It now reads "In all summary conviction proceedings in which the evidence is not sufficient to convict, and the defendant is dismissed, the costs of the suit shall be divided between the prosecutor and the defendant."

Now, this would require the justice of the peace in every case to make a division, whether the prosecutor is at fault or the defendant is at fault; it leaves no discretion with the justice of peace at all, he must divide the costs regardless of what the evidence shows.

Mr. CAVALCANTE. Mr. President, that is the way it ought to be.

Mr. SHAPIRO. I would want to find out just who the prosecutor is.

Mr. EALY. I am just calling attention to this, Mr. President, because it should have further attention before the bill is passed.

And the question recurring?

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 560, on second reading, entitled:

An Act providing for a uniform compensation to fire insurance agents and brokers prohibiting additional compensation in any form and providing remedies to such agents or brokers as may be effected by departure from such uniform compensation.

be recommitted to the Committee on State Govevrnment for the purpose of further study.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 25, entitled:

An Act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 47, entitled:

An Act to amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such person.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 90, entitled:

An Act relating to chicks and ducklings; prohibiting the artificial coloring and sale thereof and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 197, entitled:

An Act to further amend sections three hundred eleven, three hundred fourteen, three hundred seventeen, three hundred twenty, three hundrd twenty-one, three hundred twenty-two and three hundred twenty-five, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the definition of county employe to include county institution district employes; authorizing the board to employ persons and fix salaries; providing for appropriations by institution districts; providing for discontinuation of allowance to disabled employes in certain cases and further regulating retirement payments and reinstatement of former employes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 253, entitled:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same; and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," increasing share of full-time teachers' salaries to be paid by Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 292, (House Bill No. 424), entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness, except as provided by this act, and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness in the manner provided by this act, requiring annual provision for payment of mandamus executions and suspending and/or repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 366, entitled:

An Act to further amend section 1109 of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, association or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts" by further providing for the powers, and limitations upon powers, of corporations with fiduciary powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 374, entitled:

An Act relating to the licensing of dogs trained to aid blind persons without payment of a license fee.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 377, (House Bill No. 176), entitled:

An Act to amend the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes, imposing taxes upon certain classes of personal property, providing for the assessment and collection of the same, providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by delning, clarifying and limiting certain exemptions, imposing the tax upon the value of certain equitable interests, personal property held or possessed by certain executors, administrators and fiduciaries and by employees thrift or savings associations, personal property held by trustees for religious charitable and educational organizations, personal property held for non-residents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors, administrators, trustees, agents and attorneys-in-fact.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 438, (House Bill No. 256), entitled:

An Act to amend subsections (b) and (c) of section four hundred twelve, clauses three and four of subsection (b) of section nine hundred thirteen and section one thousand two hundred seven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 442, (House Bill No. 470), entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly, and changing time for filing removal notice within same district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 449, (House Bill No. 573), entitled:

An Act to amend section four hundred and forty-six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined" authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 450, (House Bill No. 624), entitled:

An Act to amend section nine of the act approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 480, (House Bill No. 423), entitled:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture, sale or transportation within the Commonwealth of adulterated or misbranded paris greens, lead arsenates, lime-sulphur, compounds and other insecticides and fungicides and regulating traffic therein, providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 524, (House Bill No. 687). entitled:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto" by extending the power of park guards to police the lands, properties and buildings taken for park purposes which are located beyond the limits of such cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 547, entitled:

An Act to further amend section one of the act, approved the third day of May, one thousand nine hundred and twenty-three (P. L. 134), entitled "An act making the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the State and providing for their publication and distribution, by imposing the duty of printing such proceedings on the Department of Property and Supplies," by extending the provisions of the act to the Society of the Twenty-eighth Division, A. E. F.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 609, (House Bill No. 952), entitled:

An Act to repeal the act, approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123), entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 613, entitled:

An Act to amend section two hundred one, and to repeal clause (b) of section three hundred eleven as amended, of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties;" by including the Western State Psychiatric Hospital and the Philadelphia State Hospital under the provisions of said act, and eliminating certain provisions relating to the commitment of male defective criminals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 614, entitled:

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1199), entitled, "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available, and for its management by the Department of Welfare," as amended, fixing the cost of maintenance for private or full-pay patients transferred from State-owned mental hospitals to the Western State Psychiatric Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 618, (House Bill No. 193), entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment by the board of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employes; fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 623, (House Bill No. 553), entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs and towns and townships as a condition of their right to vote at elections and primaries and their enrollments as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 628, (House Bill No. 851), entitled:

An Act to amend clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 667, (House Bill No. 1057), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2688), entitled "An act to provide for the conservation, protection, improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 672, entitled:

An Act to amend section two of the act, approved the eleventh day of July, one thousand nine hundred and seventeen (P. L. 769), entitled "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof," as amended, providing that agencies importing children into the Commonwealth shall give such guarantee to the Department of Welfare as it may require.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 712, (House Bill No. 649), entitled:

An Act to add clause twenty-one to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing appropriations for the support, maintenance, discipline and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 722, (House Bill No. 1259), entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 739, (House Bill No. 1078), entitled:

An Act to further amend section twenty-four of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by redefining deductions in case of reinsurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 740, (House Bill No. 1094), entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 741, (House Bill No. 1117), entitled:

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insuranc carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by redefining deductions in case of reinsurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 767, (House Bill No. 701), entitled:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 768, (House Bill No. 771), entitled:

An Act to further amend section one of the act approved the second day of March, one thousand nine hundred and thirty-three, (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," as amended further changing fees and agencies from whom borrowing may be made.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 770, (House Bill No. 896), entitled:

An Act to amend section 2504 of the act, approved June twenty-third, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising, and consolidating the law relating thereto," providing a method for the valuation of real property for taxation purposes.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 785, (House Bill No. 1253), entitled:

A Supplement to the act, approved the eighth day of June, one thousand nine hundred twenty-three (P. L. 685), entitled "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 790, entitled:

An Act to further amend the title and sections one and three of the act, approved the tenth day of April, one thousand nine hundred thirty-one (P. L. 23), entitled, as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by placing the memorial under the supervision and control of the Pennsylvania Historical Commission.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 797, entitled:

An Act to further amend the title and section one of, and to add section three to, the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, p. 32), entitled as amended, "An act authorizing the Department of Forests and Waters to acquire, repair, restore, and maintain the birthplace of John Morton, in the borough of Prospect Park, and making an appropriation," by transferring the control, management, supervision, restoration and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 801, entitled:

An Act to further amend the title and sections three and four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled as amended, "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof by the Department of Forests and Waters; authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission; removing the Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission, appointed by the Governor, from the Board of Trustees of the endownment fund and adding to said board the members of the Pennsylvania Historical Commission.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 810, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for the construction or improvement of curbs, sidewalks and roadways along the grounds and buildings thereof; and to pay the amount agreed therefor out of their appropriations for support and maintenance, or out of any appropriation made for such purposes.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 817, entitled:

An Act to further amend section eleven of the act, approved the seventeenth day of February, one thousand nine hundred six (P. L. 45), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publicatin of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury, and repealing inconsistent acts.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 840, (House Bill No. 1288), entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 841, entitled:

An Act to amend the title, and the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the authority lands of the Commonwealth and interest therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended, by authorizing the Authority to equip and furnish projects, and the Commonwealth to lease as lessee such equipment and furnishings from the Authority, and extending the other provisions of the act to include such equipment and furnishings.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 844, entitled:

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No. 103), approved the twenty-eighth day of March, one thousand nine hundred and thirty-nine; prescribing its powers and duties and re-appropriating the unexpended balance of an appropriation made to the Joint Legislative Commission created by Senate Concurrent Resolution (Serial No. 106), approved the sixteenth day of March, one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 847, entitled:

An Act to further amend section eighteen renumbered section seventeen) of the act, approved the second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making a appropriation," exempting the obligations issued by land grant colleges.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 851, entitled:

An Act to amend section twenty-five of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain

public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation by providing for the consolidation of the third class city general registers with the general register of boroughs, towns, and townships of the county.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 852, entitled:

An Act to amend section twenty-four of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as registration commission therefor; and prescribing the powers and duties of citizen parties, political bodies, registration commissions, commissoners, regstrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for consolidation of all third class city general registers with the general register of the boroughs, towns, and townships of the county.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 853, entitled:

An Act to amend subsection (a) of section twenty-nine of the Act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries sheriffs, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 854, entitled:

An Act to amend subsection (a) of Section twenty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elecions and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties," by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 859, entitled:

An Act to amend section three hundred and seven of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the producton, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weight, measure sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulation and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," removing the requirements that the Governor approve rules, regulations and orders issued by the commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 862, (House Bill No. 845), entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia which together with three members to be appointed by the President of the United States shall constitute the Interstate Commission on the Potomac River Basin with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia and the District of Columbia to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office and providing an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 864, (House Bill No. 1201), entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, savings banks and private banks and imposing penalties for violations," to permit the preservation of photographic film, reproductions or photographs or photostatic copies of certain original records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 865, (House Bill No. 1257), entitled:

An Act to amend the title, Section 1 as amended and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20 21 and 22 of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 587), entitled "An act to protect the public health by regulating the manufacture, preparation, handling, storage, sale, transportation and possession of meat and meat-food products; prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto," by transferring administration of the act to the Department of Agriculture; defining "Department" and changing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 866, (House Bill No. 1324), entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorary discharged persons who served in the military or naval service during any war in which the United States was engaged.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 870, (House Bill No. 137), entitled:

An Act to amend the title and further amend and reenact the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles," by extending the provisions of the act to include other weeds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 883, (House Bill No. 792), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 886, (House Bill No. 848), entitled:

An Act to amend section one of the act, approved the eleventh day of May, one thousand eight hundred ninety-three (P. L. 42), entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old, infirm or disabled," by extending its provisions to include directors and officers of such corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 889, (House Bill No. 913), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 891, (House Bill No. 956), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 892, (House Bill No. 961), entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain con-

ditions, providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 900, (House Bill No. 1127), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 902, (House Bill No. 1148), entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E. Garret, deceased.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 907, (House Bill No. 1172), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 908, (House Bill No. 1173), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 909, (House Bill No. 1174), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 910, (House Bill No. 1175), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 911, (House Bill No. 1176), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 912, (House Bill No. 1177), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 913, (House Bill No. 1178), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 914, (House Bill No. 1243), entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 915, (House Bill No. 1244), entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 916, (House Bill No. 1245), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 917, (House Bill No. 1246), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 919, (House Bill No. 1249), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 924, (House Bill No. 1285), entitled:

An Act to amend section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" assigning certain rooms in the Senate Capitol to the General Assembly

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 926, (House Bill No. 1382), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 933, entitled:

An Act declaring certain restricted state hospitals to be general hospitals and within the limitations of their individual facilities, open for the treatment of patients and cases which other general hospitals may treat.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 939, (House Bill No. 1093), entitled:

An Act to further amend section one of the act, approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879), entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares, or merchandise of any kind, fixtures, machinery, equipment or real estate by every corporation, joint-stock association, limited partnership or company, providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties," by requiring certain matters to be filed with or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 946, (House Bill No. 1320), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (P. L. 954), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds, certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith," by conforming said act to existing law, relating to the payment and collection of the State tax on corporate indebtedness.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 949, (House Bill No. 272), entitled:

An Act to amend section five hundred and thirty-one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections; including general, municipal, special and primary elections, the nomination of candidates. primary and election expenses and election contests, creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections," by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 959, (House Bill No. 1075), entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board, requiring lessees to establish an amortization fund for improvements placed or erected upon such land, granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 970, (House Bill No. 1149), entitled:

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof, establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said fund; imposing powers and duties upon the heads of departments in which State employes serve, excepting annuities, allowances, returns, benefits and rights from taxation and judicial process and providing penalties," authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 980, entitled:

An Act to amend section fourteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, providing an additional cause for vacating commissions of officers and warrant officers of the National Guard.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 981, entitled:

An Act to amend paragraph one of section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs," as amended, altering qualification requirements for the award of such medals and the specification and design thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RE-REFERRED

The PRESIDENT. During consideration of Senate Bill No. 560, on page 10 of today's calendar, the Senator from Cambria, Mr. Haluska, moved, and the Senator from Philadelphia, Mr. DiSilvestro, seconded the motion that Senate Bill No. 560 be recommitted to the Committee on State Government. The Senator from Cambria, Mr. Haluska, now requests that that bill be re-referred to the Committee on Insurance.

On the question,

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, when I reported from committee two weeks ago Senate Bill No. 1, I reported the bill as amended. The amendment attached was that the bill should become effective on the 31st day of December, 1939. When the bill went over to the House it passed but did not have the amendment with it. The record shows that that amendment was attached to the bill. I should like the record to contain my statement in connection with this bill, because I am going to ask the House to amend the bill in accordance with the desires of the Senate.

I also made a promise to the Senator from Tioga, Mr. Owlett, that the bill would be amended so that if Senate Bill No. 2 did not become a law, that is, that the charter was not adopted by the City of Philadelphia, that Senate Bill No. 1 would not be operative, and I would like the record to show that; and the amendment has been prepared.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, May 10, 1939, at 2:00 o'clock, p. m., Eastern Standard Time.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:26 o'clock, p. m., until Wednesday, May 10, 1939, at 2:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, May 9, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our Heavenly Father, accept our gratitude for that divinem ercyw hich is big enough to cover all our sins, to heal all our wounds, and to comfort all our sorrows. Accept our thanksgiving for that infallible wisdom which metes out justice to all Thy children, guides them in all their ways, and saves them all through Thy infinite love. Guide us by Thy law, rule us by Thy love, lead us in the pathway of service. Let Thy guardian angel hover near to give wisdom to the foolish, strength to the weak, help to the weary and hope to the despairing. Spread the light of Thy truth on our approaching pathway and lead us by Thine unerring counsel that our every step may be in the direction of right.

In the name of the only Righteous One, we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FOOR, the further reading was dispensed with and the Journal approved.

REPORTS FROM COMMITTEES

Mr. BRETHERICK from the Committee on Judiciary General reported as committed, House Bill No. 1420, entitled:

An Act to amend the act, approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws, five hundred twenty-one), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by further defining the commissions of registers of wills; regulating the opening of safety deposit boxes of a decedent; permitting supplemental appraisements in certain cases; further defining allowable deductions and limiting the time within which claims for deductions may be filed; and conforming the act to existing law.

Mr. SETH W. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 1418, entitled:

An Act to amend the act, approved the twenty-fifty day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand sixty-three), entitled "An act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely unclaimed dividends and profits, certain debts, and interest on certain debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payment, requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations, and corporations; conferring powers and imposing duties on certain State officers, boards, and departments; providing for jurisdiction of courts, and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and describing penalties," by further declaring the legislative intent and making further provisions for refunds.

Mr. STEWART from the Committee on Building and Loan Associations reported as committed, House Bill No. 1118, entitled:

An Act authorizing Federal Savings and Loan Associations to issue share accounts in the name of certain minors and in the joint names of two or more persons, and validating the acquittances of such minors and validating the acquittances of either person in a joint account, under certain conditions, and outlining the procedure for the payment of share accounts issued in the name of a trustee following the death of the trustee.

Mr. VAN ALLSBURG from the Committee on Appropriations reported as committed, House Bill No. 1083, entitled:

An Act making an appropriation to the Board of Trusttes of the Philadelphia Museum.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 976, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Mr. McKINNEY from the Committee on Appropriations reported as committed, House Bill No. 433, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Mr. O'NEILL from the Committee on Appropriations reported as amended, House Bill No. 1198, entitled:

An Act making an appropriation to aid certain school districts.

Mr. JACOB L. MOSER from the Committee on Judiciary General reported as amended, House Bill No. 1362, (Senate Bill No. 135), entitled:

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth.

Mr. ALSPACH from the Committee on Judiciary General reported as committed, House Bill No. 669 (Senate Bill No. 93), entitled:

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts.

Mr. LLOYD H. WOOD from the Committee on Judiciary General re-reported as amended, House Bill No. 702, (Senate Bill No. 134), entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper demand to exhibit, identification cards; prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

Mr. MUIR from the Committee on Appropriations reported as committed, House Bill No. 1203, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county, or department, in connection with, or incidental to, any grand jury investigation or trial of State officers, or former State officers, and others.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 385, entitled:

An Act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation for the expenses of such commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 990, entitled:

A Joint Resolution proposing an amendment to section eight article four and to add an additional section to article ten of the Constitution of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 521, entitled:

A Joint Resolution proposing amendments to section sixteen and seventeen of article two of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1451, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to lease from the General State Authority any bridge and road project constituting a connecting link across a river between two existing state highways providing for the operation of such bridge as a toll bridge and appropriating moneys from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 898, entitled:

A Joint Resolution proposing an amendment to article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1125, entitled:

An Act to further amend Sections 2 202 203 305 402 403 404 407 408 409 410 411 paragraph (14) of Section 602 paragraph (e) of Section 609 Sections 610 and 701 of and to add Section 204 and paragraph (31) to Section 602 and paragraph (f) to Section 611 to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by defining "district" establishing the force of regulations of the board creating district boards regulating the appointment of members thereof and defining their duties and powers requiring the further advertising of applications for licenses the issuance thereof and appeals from the decisions of the board providing for hearings by the district boards increasing fees for licenses further regulating the revocation and suspension of licenses and providing for the disposition thereof providing for the giving of a bond in order to make any appeal a supersedeas prohibiting the illegal use of purchase permit cards changing the hours during which clubs may sell liquor or malt and brewed beverages regulating licensees interlocking business and the issuance of permits for entertainment protecting the interests of holders of bailment leases and conditional sales contracts prescribing additional penalties for sales to minors and imposing duties upon municipalities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CURRAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The word "hotel" as used in this act shall mean any reputable place operated by a responsible person of good reputation where the public may for a consideration obtain sleeping accommodations and which

(a) In municipalities having a population of less than one thousand shall have at least six permanent bedrooms for the use of guests

(b) In municipalities having a population of one thousand and more but less than three thousand inhabitants shall have at least ten permanent bedrooms for the use of guests

(c) In municipalities having a population of three thousand and more but less than ten thousand inhabitants shall have at least twelve permanent bedrooms for the use of guests

(d) In municipalities having a population of at least ten thousand and more but less than one hundred thousand inhabitants shall have at least twenty-five permanent bedrooms for the use of guests and

(e) In municipalities having a population of one hundred thousand and more inhabitants shall have at least forty permanent bedrooms for the use of guests. All such hotels shall have a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the dining room or rooms in which food is regularly prepared for the public

The word "person" shall mean every natural person association or corporation

The word "municipality" shall mean any city borough incorporated town or township

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CURRAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 925, entitled:

An Act to further amend sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses seven eight twelve and thirty-three of section twenty-three section thirty of and thirty-two and to add clause thirty-six to section twenty-three the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys for Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" further regulating distributors providing for hearings and recommendations on retail dispensers' licenses by district boards vesting additional powers and discretion in the Pennsylvania Liquor Control Board prohibiting the grant of licenses in certain territory and to places where stores are operated providing for the advertisement of license applications regulating appeals from the action of the board and denying appeals in certain cases regulating the grant renewal transfer and revocation and suspension of licenses and amusement permits increasing retail dispensers' and club license fees and prescribing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses twelve and thirty-three of section twenty-three section thirty and thirty-two and to add clause thirty-six to section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting owsership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last re-enacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1827) are hereby further amended to read as follows

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1305, entitled:

An Act to amend sections eight eleven and twenty-five of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring oper-

ators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" as amended providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the nonpayment of judgments

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" as amended by the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 2097) are hereby further amended to read as follows

Section 8 Proof of Financial Responsibility Required as Condition Precedent to Issuance or Renewal of Operators' Licenses to Persons Having Certain Accident Record Penalty (a) Until proof of financial responsibility has been furnished to the secretary an operator's license shall not be issued or renewed to a person who within any twelve months' period while operating a motor vehicle either within or outside of this State had one or more accidents caused wholly or partially by his negligence which caused injury to persons or damage to property excluding injury to himself and damages to motor vehicles operated by such person amounting in the aggregate to more than one hundred dollars ($100) except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months' period resulting in injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by himself amounting in the aggregate to more than one hundred ($100) dollars and such operator or other person or insurer has paid all the claims arising from such accidents or if such operator at the time of such accident or accidents carried insurance in an amount sufficient to pay all such damages and claims and if said policy of insurance is contracted to continue in effect for the ensuing year then such operator shall be exempt from the provisions of this section The amount of damages caused by accidents in which the applicant was involved will be deemed to have been [the amounts paid in settlement of claims of other persons if all such claims have been settled and if such claims have not been paid them] the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged or judgments obtained by such other persons

(b) For the purposes of this section where all claims have not been paid the happening of an accident while a person is operating a motor vehicle shall be prima facie evidence that it was caused wholly or partly by such person's negligence but the secretary may upon application of such person conduct an inquiry into the circumstances under which the accident occurred and thereupon find that the accident occurred without any negligence on the part of such person [Damages may be deemed to be claimed only if the defendant has received a notification of the amount of damages claimed from the person injured the person entitled to recover for the death of the person killed or the owner of property damaged which notification shall be subscribed to and verified by the oath or affirmation of such person and a copy of the receipted bill or a copy of the bill rendered or a copy of the estimate of the probable cost prepared by a qualified person and subscribed to and verified by oath or affirmation of the person acknowledging payment rendering the bill or preparing the estimate]

(c) The secretary's findings or such notification shall not be admissible in evidence in any court proceeding for damages instituted either by or against such person or in any criminal proceeding arising out of such accident

(d) Any person making a misstatement of fact in notification required under subsection (b) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 11 Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment If within [twenty] fifteen days after it [has been recorded] becomes final any person fails to satisfy any judgment rendered against him by a court of [competent jurisdiction] of record in this or any other State or the District of Columbia or any province of the Dominion of Canada or by a District Court of the United States for damages on account of personal injury or of damage to property [in excess of five dollars and thirty-three cents ($5.33)] resulting from the operation subsequent to the effective date of this act by him his agent or any other person with his express or implied consent of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him his operator's license and all of his registration certificates shall be forthwith suspended by the secretary upon receiving a certified copy of such final judgment from the court in which the same was rendered and shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents Provided however That when any person carried at the time of such accident insurance in any amount sufficient to pay the judgment rendered against him and such policy of insurance continues in effect at the time he applies for a renewal or a new registration such person need not furnish additional proof of financial responsibility under the provisions of this section

If such person is not resident of this State he shall not be permitted to operate any motor vehicle in this State and it shall not be lawful for any other person knowing that such operation is not permitted to operate in this State any motor vehicle owned by such nonresident while such judgment remains unsatisfied and subsisting and until such nonresident has furnished proof of financial responsibility for future accidents

If after such person has satisfied such judgment within the meaning of this act and has furnished proof of financial responsibility any other such judgment shall be recovered against him for any accident occurring before such proof was furnished his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. TROUT. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 448, as follows:

An Act to amend section eight hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by authorizing volunteer firemen to use sirens or whistles on vehicles when making emergency fire calls

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended by adding thereto clause (c) to read as follows

Section 814 Horns and Warning Devices

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn or other warning device in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet and it shall be unlawful except as otherwise provided in this act for any vehicle to be equipped with or for any person to use upon a vehicle any siren bell compression or sparkplug whistle or for any person at any time to use a horn or other warning devices otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device

(b) Every police and fire department and fire patrol vehicle and every ambulance may be equipped with a bell siren compression or sparkplug whistle of a type approved by the secretary

(c) Every vehicle used by members of any regularly organized volunteer fire fighting force may be equipped with a siren compression or sparkplug whistle of a type approved by the secretary which may be used when conveying such volunteer firemen on any emergency fire call

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1437, as follows:

An Act to amend section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 874) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on real estate other than upon unseated lands" providing that a judicial sale for the collection of delinquent taxes shall discharge any mortgage recorded after the effective date of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 874) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on real estate other than upon unseated lands" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when the lien of a mortgage upon real estate is or shall be prior to all other liens upon the same property except other mortgages ground rents and purchase money due the Commonwealth and except taxes municipal claims and assessments not at the date of said mortgage duly entered as a lien in the office of the prothonotary of the proper county and except taxes municipal claims and assessments whose lien though afterwards accruing has by law priority given it the lien of such mortgage shall not be destroyed or in anywise affected by any judicial sale or other sale whatsoever except as hereinafter stated whether such sale be made by virtue or authority of any order or decree of any orphans' or other court or of any writ of execution or otherwise howsoever Provided That this section shall not apply to cases of mortgages upon unseated lands or sales of the same for taxes Provided also That a judicial or other sale in proceedings under a prior ground rent or in foreclosure of a prior mortgage shall discharge a mortgage later in lien and a judicial sale on a tax lien or for the collection of delinquent taxes shall discharge any mortgage which shall be recorded after the effective date of this act And provided further That sales of land may be made in pursuance of an order or decree of the orphans' court free and discharged from the lien of mortgages as provided in section sixteen (o) of the Fiduciaries Act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof

judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents"

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1185, entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employe

The first section was read as follows:

Section 1 Paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 683) is hereby further amended to read as follows

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission and the employes of the Delaware River Joint Toll Bridge Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

On the question,

Will the House agree to the section?

Mr. STOCKHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 3, line 8, by inserting after the

word "and" and before the word "the" the following: "all"

Amend sec. 1, page 3, line 8, by inserting after the word "the" and before the word "employes" the following: "officers and"

Amend sec. 1, page 3, line 10, by inserting after the word Commission" and before the word "shall" the following: "and the Delaware River Joint Toll Bridge Commission"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes definin the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employe

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 662, as follows:

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Highways of the Commonwealth with the approval of the Governor may build rebuild construct and maintain that portion of any or all roads running through or over the lands of any charitable educational or penal institution or State parks or State Armory properties or State Military Reservations of the Commonwealth and on the grounds of the Soldiers' and Sailors' Home at Erie Pennsylvania wholly within or upon such lands and may build rebuild construct and maintain bridges and viaducts on State Armory properties or State Military Reservations and on the grounds of the Soldiers' and Sailors' Home at Erie Pennsylvania The cost and expense of the building rebuilding construction and maintenance of the roads bridges and viaducts herein provided for shall be paid out of any moneys appropriated to the Department of Highways for the construction reconstruction or maintenance of State highways

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 724, as follows:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth conferring powers and imposing duties on the Superintendent of Public Instruction and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Superintendent of Public Instruction shall have the power to investigate the need for establishing and supervising vocational industrial education in the field of aeronautics and allied arts through such school districts of the Commonwealth as shall have in operation on the effective date of this act an approved vocational industrial school or department or vocational evening industrial school or department as provided for in the act approved May first one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto

Section 2 The Superintendent of Public Instruction shall have the authority to designate any school district maintaining an approved vocational industrial and vocational evening industrial school or department as provided by this act as an approved area training center for the preparation of persons sixteen years of age or over for profitable entrance into employment in aviation or allied arts under such regulations as to size and boundaries of area entrance qualifications and conduct of the school or department as the State Board for Vocational Education shall prescribe providing that no person may be admitted to such a school or department for aviation training without the written approval of the secretary of the board of the vocational school district in which he resides

Section 3 For the purpose of assisting such school districts in the conduct of such aviation training centers the Commonwealth shall pay annually from the treasury to the school district by order of the Auditor General signed by the State Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education from funds appropriated for this act and from other available state funds appropriated to aid school districts in the establishment and maintenance of vocational schools or departments and from Federal funds provided for the development of vocational education and in addition to the amounts paid to such school district under the act approved May first one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational educational schools for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto the sum expended for equipment ordinary operating cost and the training of such persons over the age of sixteen who shall be admitted to the school or department under the provisions of this act Provided That the amount paid to the school district shall be approximately equal to the full sum expended by the district for this purpose And provided further That the State Board for Vocational Education shall have the authority to prescribe rules and regulations for the purchase of equipment and for cal-

culating reimbursements to the school district taking into consideration the salaries of teachers and all other actual and necessary expenses

Section 4 No school district receiving funds under the provisions of this act shall charge any other school district tuition for the aviation training of non-resident students given pursuant to the provisions of this act

Section 5 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act

Section 6 This act shall become effective on July first one thousand nine hundred and thirty-nine and shall remain in force until July first one thousand nine hundred and forty-one

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 703, as follows:

An Act to amend section five hundred thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are of may be inconsistent therewith" by providing for the publication of certain notices relative to the preparation of budgets in school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 532 The board of school directors of each school district of the first class shall annually at or before the time of levying the annual school taxes prepare an approximate estimate of the amount of funds that will be required by the school district in its several departments for the following fiscal year Such annual estimate shall be apportioned to the several classes of expenditures of the districts as the board of school directors thereof may determine The total amount of such estimate shall not exceed the amount of funds including the proposed annual tax levy and State appropriation available for school purposes in the district

The board of school directors shall at least fifteen days prior to the time final action is taken on any budget publish by advertisement at least once in two newspapers of general circulation printed in the municipality in which such school district is located a summary of such annual estimates including receipts and expenditures and shall include in such publication a notice of public hearing on proposed budget scheduled for at least ten days before final action is taken upon any budget where taxpayers shall be heard

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1126, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts fixing a maximum salary for the executive director of the commission further revising the provisions of said act relating to license tags the hunting privileges of certain minors the hours and seasons open for and lawful methods of hunting and trapping the possession and transportation of game fur-bearing animals and firearms hunting big game by groups and certain regulatory powers of the commission authorizing the establishment of wild life refuge projects by sportsmen's organizations and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 201 205 308 316 501 601 602 and 603 of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto'' are hereby amended to read as follows

Section 201 Appointment of Pennsylvania Game Commission An independent administrative commission to be known as the Pennsylvania Game Commission is hereby created The commission shall consist of eight competent citizens of this State who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate The members of the commission shall be [so appointed that they shall fairly represent the several geographical sections of the State and shall be] well informed on the subject of wild life conservation and restoration and shall hereafter be appointed from the various geographical sections of the Commonwealth so that one and only one member shall be a resident of each of the following districts

(a) One from the Counties of Erie Crawford Mercer Lawrence Venango Butler Warren Forest and Clarion constituting the first district

(b) One from the Counties of Beaver Allegheny Washington Green Armstrong Indiana Westmoreland and Fayette constituting the second district

(c) One from the Counties of McKean Elk Jefferson Potter Cameron Clearfield Clinton and Centre constituting the third district

(d) One from the Counties of Cambria Somerset Blair Bedford Huntingdon Fulton Mifflin and Juniata constituting the fourth district

(e) One from the Counties of Tioga Lycoming Union Snyder Bradford Sullivan Columbia Montour and Northumberland constituting the fifth district

(f) One from the Counties of Franklin Perry Cumberland Adams Dauphin York Lebanon and Lancaster constituting the sixth district

(g) One from the Counties of Susquehanna Wyoming Luzerne Lackawanna Carbon Wayne Pike and Monroe constituting the seventh district

(h) One from the Counties of Schuylkill Berks Chester Northampton Lehigh Bucks Montgomery Philadelphia and Delaware constituting the eighth district

The members of the commission shall hold office for terms of eight years each and shall receive no compensation for their services

Five members of the commission shall constitute a quorum for the transaction of business

Except as otherwise provided by this act the Pennsylvania Game Commission shall have and possess all the powers generally conferred and perform all the duties generally imposed upon independent administrative boards and commissions by the Administrative Code of 1929 and its amendments

Section 205 Executive Director Duties and Powers The commission shall select a competent person to be known as the executive director who shall be its chief admin-

istrative officer and have charge of all activities under the jurisdiction of the commission He shall remain such during the pleasure of the commission and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth

No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for selection as executive director

The executive director shall be the Chief Game Protector and shall have charge of direct supervise and control all other game protectors and employes of the commission The compensation of the director shall be fixed by the commission and shall not exceed seven thousand five hundred dollars ($7,500) a year The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office

The director shall occupy as his permanent headquarters the rooms assigned to the commission and shall be supplied from time to time by the Department of Property and Supplies such furniture equipment and office supplies as may be necessary for the use of the Commission

The director shall have authority to have printed the biennial report of the commission and such bulletins literature posters and other printing as may be necessary to the work of the commission including the magazine known as Pennsylvania Game News the subscription rates of which shall be fixed by the commission from time to time Such publication shall at all times be maintained as a nonpartisan publication

Section 308 License Tag The Department of Revenue shall also furnish free of charge and there shall be issued with each license a tax as hereinbefore specified All license tags shall bear the license number in figures at least one inch in height which tag said licensee is required to attach and display on the outer garment on the back between the shoulders in such manner that all figures are plainly visible at all times while hunting After the year one thousand nine hundred and thirty-nine each tag shall bear separate and easily distinguished from the other numbers the numeral which represents the number of the county in which or for which such license was issued For such purpose each county in the Commonwealth shall be given a number in alphabetical order The license tag for the current year only shall be displayed

The tag or button issued with complimentary nonresident licenses shall be of such size and form as the commission may determine which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it in such a manner that the tag or button and the numerals thereon are plainly visible

Section 316 Certain Acts Declared Unlawful It is unlawful for any person

(a) Except in the defense of person or property to hunt chase shoot at take or kill or pursue with intent to take kill or wound any wild birds or wild animals by any method including the use of dogs without first securing a license and license tag as hereinbefore required and wearing such tag and showing or displaying such license as required by the provisions of this article but nothing in this clause shall be construed to prevent any person under the age of eighteen years to trap for furbearing animals or predators without securing a license

(b) Under the age of twelve years to receive a hunting license under any circumstances whatsoever

(c) Under the age of sixteen years to receive a hunting license without presenting a written request therefor bearing the signature of his father or mother or legally constituted guardian

(d) [Under the age of sixteen years to] To use firearms of any kind or a bow and arrow for the purpose of hunting any wild birds or wild animals unless if between the ages of twelve and fourteen accompanied by a parent or guardian or some other member of his family twenty-one years of age or older or if between the ages of fourteen and sixteen years unless accompanied by an adult at least twenty-one years of age unless such hunting is done on the premises whereon such person resides

(e) To procure a license under an assumed name or in which an address other than his legal place or residence is given or to make any false statement whatsoever in securing a license

(f) To lend or transfer a license or tag to another

(g) To issue or aid in securing a license under the provisions of this act for himself or any other person not legally entitled thereto

(h) After a license has been seized by a regular salaried officer of the commission to procure another license under his own or an assumed name or to hunt or trap anywhere pending the decision of the director or the commission

(i) After being denied the right to hunt or trap by action of the commission or a court to hunt or trap anywhere within the Commonwealth during the period such right has been denied with or without a hunter's license

Section 501 Open Seasons After investigation or information otherwise obtained by the commission as to the annual game supply the commission may by appropriate rules and regulations a summary of which shall be published as hereinafter specified fix seasons shooting hours and daily season and possession limits or remove protection and declare an open season or increase reduce or close seasons or increase or reduce bag limits for all species of game birds and game animals except anterless deer throughout the Commonwealth or in any part thereof or limit the number of hunters in any designated area and prescribe the method of hunting therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such species or when an unbalanced sex ratio exists which in its opinion should be corrected or when in the opinion of the commission such additional open season will not jeopardize the future supply of game

If in any year the commission fails to establish such seasons or bag limits the open seasons and bag limits for game Sundays excepted unless otherwise provided by this act shall be as below indicated

Kind of Game	Open Season
Raccoon	Oct. 15th to Dec. 31st except as to trapping which shall be from Nov. 15th to Dec. 31st
Wild turkey ruffed grouse male pheasant bobwhite quail gambel quail valley quail grackles commonly known as blackbirds rabbit hare and gray black and fox squirrel	Nov. 1st to Nov. 30th
Hungarian partridge and Chukar Partridge	No open season except as fixed by resolution of the commission
Red Squirrel	Nov. 1st to Aug. 15th next following
Woodchuck commonly known as groundhog	Nov. 1st to [Sept. 15th] Oct. 1st next following
Bear over one year old ..	Nov. 10th to Nov. 25th
Male deer with two or more points to one antler ..	Dec. 1st to Dec. 15th
[Deer without visible antlers or horns of such minimum weight or age as shall be fixed by resolution of the commission]	[No open season except as fixed by resolution of the commission]
Elk	No open season except as fixed by resolution of the commission

It is unlawful for any person to kill or attempt to kill or to hunt for or take or have in possession any game bird or game animal at any time of the year other than the open season fixed by resolution of the commission in the manner above provided or as set forth in this section except as elsewhere provided in this act

(a) Hunting at Certain Periods Unlawful If in any

year the commission by resolution fixes a later hour than that fixed by this act to begin hunting for game on the first day of any open season it shall be unlawful for any person except in defense of person or property to hunt for chase disturb or take or to attempt to hunt for chase disturb or take any wild bird or wild animal game or otherwise through the use of firearms or a bow and arrow or with dogs on such first day of the season prior to the opening hour so fixed

[During the five days preceding the open season for deer as fixed either by this act or by resolution of the commission it shall be unlawful for any person except in defense of person or property to hunt for pursue or take or attempt to hunt for pursue or take wild birds or wild animals of any kind through the use of a rifle or any other firearm discharging but one ball or pellet at a single discharge or to have in possession while hunting any rifle cartridges or single-ball shotgun shells during such five-day period]

(b) Raccoons Not to Be Trapped Exceptions Except in defense of person or property it is unlawful for any person to take or attempt to take raccoons through the use of traps or deadfalls except in such county or counties as the commission may by proper resolution public notice of which sahll be given as hereinafter provided declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping In counties so declared open to the use of traps and deadfalls raccoons shall not be taken through such devices prior to the open season for the trapping of muskrats

[(c) Special Permits for Antlerless Deer In any year during which the commission by resolution declares in open season for deer without visible antlers it is hereby empowered to issue special permits to hunt for or kill such deer at a fee of two dollars under such rules and regulations as it may deem necessary to limit the number of persons who may hunt for such deer in any portion of the Commonwealth provided public notice of such action is given as hereinafter required When the commission adopts and promulgates such rules and regulations it is unlawful for any person to hunt for any deer without visible antlers without such a special antlerless deer permit or to take such deer contrary to the rules and regulations adopted by the commission]

Section 601 Open Season for Fur-Bearing Animals After investigation or upon information otherwise obtained by the commission as to the annual supply of fur-bearing animals the commission may by appropriate rules and regulations a summary of which shall be published as hereinbefore specified fix seasons trapping hours and daily season and possession limits or remove protection or increase or reduce seasons and bag limits for any or all species of fur-bearing animals throughout the Commonwealth or in any part thereof or limit the number of trappers in any designated area and prescribe the methods of trapping therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such animals or to reduce the numbers thereof to safeguard game birds and animals

If in any year the commission fails to establish such seasons and bag and possession limits in the manner herein specified the seasons and bag and possession limits for fur-bearing animals shall be as follows

Kind of Fur-Bearers	Open Season	Bag Limits Day	Bag Limits Season
[Muskrat] Mink and Opossum	Nov. [1st to Feb. 28th] 15th to Jan. 31st next following	Unlimited	Unlimited
[Skunk in counties where the commission has not removed such animal from the list of fur-bearing animals]	[Nov. 1st to Feb. 28th]	[Unlimited	Unlimited]
Beaver	Feb. 15th to Mar. 15th	3	6
Otter	No open season except as fixed by resolution of the commission		
Raccoon	Nov. 15th to Dec. 31st	Unlimited	Unlimited
Muskrat	Dec. 1st to Jan. 31st next following	Unlimited	Unlimited

Section 602 Unlawful Taking Killing Possession Et Cetera of Fur-Bearing Animals Except as otherwise provided in this act it is unlawful for any person to take kill wound capture or have in possession or attempt to take kill wound or capture any fur-bearing animal except during the open season and in such numbers as fixed by regulations adopted by the commission or fixed by this act or to have in possession the green pelt of any fur-bearing animal or any part thereof except during the open season therefor and for ten days thereafter

[it is unlawful to stake out or set traps for fur-bearing animals prior to the date and hour fixed as the open season for taking such animals]

The term "green pelt" as herein used is defined to mean a pelt which is not dried or cured or tanned The possession of a green pelt or part thereof by any person after the close of the open season shall be prima facie evidence that such pelt or part thereof was unlawfully taken and possessed

It is unlawful to take or attempt to take raccoons through the use of traps or deadfalls in any county which has not been declared open to such trapping by resolution of the commission or to take such animals in counties so declared open to trapping prior to the day and hour fixed as the open season [for trapping muskrats]

It is unlawful to buy or sell or offer to buy or sell or to ship out of this Commonwealth any fur-bearing animals or any part thereof which have been unlawfully taken

This section does not prohibit the possession at any time of fur-bearing animals killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of fur-bearing animals not unlawfully killed or the possession of live fur-bearing animals legally taken within this Commonwealth during the open season Green pelts of fur-bearing animals which were lawfully taken in another state except when in the hands of a licensed fur-dealer shall have attached thereto positive identification and proof of the locality where taken

Section 603 Illegal Methods of Taking Fur-Bearing Animals Exceptions In the taking or killing of fur-bearing animals or predators it is unlawful to set [steel] traps closer than five feet from any hole or den which may be occupied by a fur-bearing animal or predator except that this restriction shall not apply to under water sets or to take muskrats and beavers except through the use of steel or live traps and deadfalls or to use a snare poison explosives chemicals a steel trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches [measured in any direction] or a deadfall or to smoke out or dig out any den or house of any kind except when occupied by a predator or to cut den trees or to use any trap or deadfall of any kind unless visited at least once every thirty-six hours except when prevented by sickness or storm

All traps or deadfalls so used must be marked with a metallic plate or tag attached to the deadfall trap or trap chain bearing in plain English the name and address of the owner and must be taken up or sprung at the end of the season

Nothing contained in this section shall prevent the use of baited traps in taking fur-bearing animals or predators the killing of any muskrat or beaver with a firearm after it has been legally trapped or prevent persons residing upon cultivated lands from digging out dens or houses of any wild animals excepting beavers during the close season in fields which are under cultivation or from preventing any person from killing or capturing alive any fur-bearing animals excepting beavers at any time in any manner when found in the act of destroying personal

property or in the immediate pursuit thereafter but in no case shall the pursuit be carried beyond the limits of the property upon which the damage is done

Nothing contained in this act shall be construed to prevent the use of artificial lights such as are ordinarily carried in the hand or on the person or lawful firearms in the taking of raccoons opossums and skunks during the open season

The person killing or capturing any such fur-bearing animal or accidentally killing or capturing and injuring a fur-bearing animal during the close season while legally hunting or trapping for other animals in season shall immediately notify a game protector or the director at Harrisburg and such animal or the pelt thereof shall be disposed of as may be specified by the director Failure to notify such officer or the director as herein provided shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals

Section 2 Section six hundred and nine of said act is hereby repealed

Section 3 Sections 701 702 703 subdivisions (a) and (b) of Section 704 and Sections 710 731 806 and 807 of said act are hereby amended to read as follows

Section 701 Unlawful Taking Killing Possession Et Cetera of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either living or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for [thirty] sixty days thereafter without a permit

Persons desiring to retain lawfully taken and possessed game for a longer period than thirty days after the close of the open season for such game shall apply to the director for a permit which may be issued without charge and shall authorize possession of such game for an additional period not to exceed six months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfuly killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possessing concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has beer. unlawfully killed or taken

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first dav of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind except that raccoons may be hunted for any killed any time during the open season day or night and that woodchuck may be hunted for and killed between July first and September thirtieth between the hours of six o'clock antemeridian and seven-thirty o'clock postmeridian eastern standard time Sunday excepted This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 703 Lawful Methods of Hunting It is lawful to hunt for catch take wound or kill game of any kind only through the use of a gun pistol revolver or bow and arrow of a kind the use of which is not hereinafter prohibited except

(a) That raccoons may be killed or captured in any manner [if complying with the provisions of this act when using traps] including the use of lights such as are ordinarily carried in the hand or on the person except that such animals may not be taken through the use of automatic firearms or magazine shotguns which contain more than three shells at one time in the magazine and chamber combined or snares poisons explosives or chemicals or by smoking out or digging out dens or houses or cutting den trees nor may traps or deadfalls be used to capture raccoons in any county which has not been declared open to trapping for such animals [and in such open counties raccoons shall not be trapped prior to the trapping season for muskrats] nor may such traps or deadfalls be used except under conditions set forth in paragraph (c) of this section governing the use thereof

(b) That blinds and decoys may be used in hunting wild water-fowl as permitted under Federal regulations

(c) That it is lawful to use live traps or to use steel traps baited or otherwise with a spread of jaws not exceeding six and one-half inches measured in any direction provided the trap does not have teeth on the jaws and it is lawful to use a deadfall baited or otherwise if a metallic plate or tag is attached to each trap or chain or deadfall bearing in plain English the name and address of the owner for the purpose of taking predators [and] fur-bearing animals and raccoons so long as such traps or deadfalls except under water sets are not set closer than five feet from any den or hole or where any game other than raccoons may be caught and such traps or deadfalls are visited at least once every thirty-six hours unless prevented by sickness or storm and at the end of the trapping season all traps are sprung or removed but it shall be unlawful to use snares of any kind to capture wild birds or wild animals and

(d) In any manner for scientic purposes pursuant to a permit issued by the commission

(a) Unlawful Methods and Devices

Section 704 Unlawful Methods of Hunting It is unlawful for any person to shoot at or to shoot for any wild bird or wild animal unless it is plainly visible to him or to dig cut or smoke or in any other manner take any live wild bird or wild animal other than a predator out of its den or place of refuge

Except as otherwise provided it is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound any wild bird or wild animal of any kind through the use of (a) what is commonly known as an automatic gun or an automatic firearm of any kind (b) or a magazine shotgun to hunt for any bird or animal other than big game which contains more than three shells at one time in the magazine and chamber combined or a swivel gun or an air-rifle or the apparatus known as a silencer (c) or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power (d) or to set lay or prepare for use or to use anv bait hay grain or other food or any trap snare set-gun net bird-lime deerlick pitfall turkey blind or turkey pen the term "set-gun" as herein used meaning any contrivance device or firearm capable of discharging or projecting a deadly charge or missile which is set to operate in the absence of the owner (e) or to make use of or take advantage of any artificial light battery or other contrivance or device except that artificial lights such as are ordinarily carried in the hand or on the person may be used for the purpose of taking raccoons opossums and skunks (f) or to make use of any method or device not specifically permitted by this act for the purpose of catching taking wounding or killing wild birds or wild animals

[It is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound raccoons except in the manner provided in this act]

(b) Unlawful Manner of Hunting Big Game

It is unlawful to kill or attempt to kill any big game except through the use of a gun propelling one all-lead

or lead alloy or soft-nased or expanding bullet or ball other than one fired from a .22 or .25 calibre rimfire cartridge at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

It is unlawful for any person or one or more of a group of persons together to throw or cast the rays of a spotlight headlight or other artificial light on any highway or in any field woodland or forest upon any big game while having in his or their possession or under their control a firearm or other implement whereby any big game could be killed even though such animal be not shot at injured or killed The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants while traveling on a highway in the usual way cast a light upon such animal on or adjacent to such highway and there was no attempt or intent to locate such animal

Section 710 Killing Game by Mistake Each individual who may by mistake kill any wild bird or animal contrary to the provisions of this act or any rules and regulations of the commission may within twenty-four hours pay [one-tenth] one-fourth of the penalty imposed by law for the illegal killing of any big game animal [and two-fifths of the penalty imposed by law for the illegal killing of any other] bird or other animal to a legally authorized representative of the commission if such individual to the best of his ability shall at once remove the entrails and deliver the carcass of the bird or animal so killed to any game protector for disposition as hereinafter provided and shall within twenty-four hours after such killing make and deliver to such officer a statement in writing under oath explaining when and where and how such mistake was made

Said portion of the penalty and the sworn statement together with the officer's report shall be forwarded to the director as quickly as possible for review If after investigation the director is not satisfied said killing was done by mistake but was caused by negligence or carelessness he shall order the defendant to be prosecuted in the regular manner and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided by this offense

Section 731 Penalties Any person violating any of the provisions of the sections of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For hunting or shooting or chasing or catching or killing any game or attempting to shoot at or chase or catch or kill with or without dogs any game upon the first day of the week commonly called Sunday twenty-five dollars or for hunting for or shooting at or catching or killing or attempting to hunt for or shoot at or catch or kill any game (except as authorized by this act) between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following contrary to the provisions of this article or regulations adopted thereunder by the commission [twenty-five] five dollars

(b) For using a vehicle or trailer or conveyance or boat or craft or permitting the same to be used contrary to the provisions of this article fifty dollars for each day

(c) For taking any wild animal or wild bird contrary to the provisions of this article or regulations adopted thereunder by the commission ten dollars for each trap or device so used

(d) For failure to maintain post or produce upon demand by an officer the roster or record of a hunting party as required by the provisions of this article twenty-five dollars

[(e) For failure to return to the commission the roster carried by the captain or other leader of a hunting party or a copy thereof as required by the provisions of this article five dollars]

(f) For failure to tag or mark a deer or elk or bear within four hours after killing as required by the provisions of this article twenty-five dollars

(g) For shipping transporting carrying or conveying parts of large game in any package container or baggage of any description without having a card or marker attached as provided by this article twenty-five dollars

(h) For a common carrier or his or its agent to transport game from one point to another in this Commonwealth contrary to the provisions of this article twenty-five dollars

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof and living animals imported or brought into or released within this Commonwealth twenty-five dollars for each bird or egg or animal imported or sold or released contrary to said provisions

(j) For interfering with or destroying the nest or egg or young found therein of any game bird contrary to the provisions of this article fifty dollars for each nest and twenty-five dollars for each young

(k) For interfering with or destroying the nest or egg or young found therein of a protected bird contrary to the provisions of this article ten dollars for each nest or young

(l) For shooting at or wounding taking or killing or posessing any protected bird contrary to the provisions of this article ten dollars

(m) For selling or offering for sale or possessing for the purpose of sale or transporting or shipping or attempting to transport or ship any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family or the skins or plumage of any such bird twenty dollars

(n) For making use of or taking advantage of any vehicle trailer conveyance headlight or spot light or artificial light or battery or other contrivance or device to spot or locate or hunt for or catch or take or kill or wound any elk deer or bear or for setting laying or preparing for use or using any set-gun for the purpose or evident purpose of taking killing or wounding or attempting to take kill or wound any elk deer bear or other wild bird or wild animal contrary to the provisions of this article one hundred dollars for each person concerned and the forfeiture of such vehicle trailer headlight spot light or other contrivance and all paraphernalia used

(o) For failure or refusing to stop any vehicle or conveyance being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws contrary to the provisions of this article ten dollars

(p) For turning off any or all lights on a vehicle or conveyance for the purpose of avoiding identification or arrest contrary to the provisions of this article fifty dollars

(q) Except as otherwise herein provided for hunting or chasing or catching or taking or killing or wounding or receiving or delivering or transporting or shipping or using or concealing or assisting to conceal or having in possession or attempting to hunt for catch take kill wound or transport contrary to this article or regulations adopted thereunder by the commission or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth or relating to the buying or selling or bartering of

I Each Elk two hundred dollars and in the discretion of the court six months imprisonment

II Each deer or bear one hundred dollars

III Each wild turkey ruffed grouse pheasant quail partridge or woodcock twenty-five dollars

IV Each raccoon twenty-five dollars

V Each other wild bird or wild animal ten dollars

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article the fine shall be one-half of the fine above prescribed

In addition to the fine above prescribed any person who shall make use of or have in possession or under control a ferret or fitch contrary to the provisions of this article shall upon conviction be sentenced to pay a fine of twenty-five dollars for each ferret or fitch and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 806 Possession of Loaded Firearms and Certain Ammunition Restricted (a) Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle or conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however That except as hereafter provided between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

(b) Except during the open season for big game it is unlawful for any person to have in possession in or on vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth except as hereinafter provided between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long rifle or any shotgun shell containing either a single bullet or pellets larger than a BB unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

(c) Provided however That during the period from July first to September thirtieth inclusive of each year the foregoing requirements relative to carrying certain unloaded firearms and ammunition shall be applicable only from eight-thirty o'clock postmeridian to five o'clock antemeridian eastern standard time

(d) The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game laws and engaged in the performance of his official duty

(e) Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 807 Shooting at Game While on Highways It is unlawful for any person to shoot at game while it is on a public highway or a highway open to use or used by the public or knowingly to shoot across a public highway or a highway open to use or used by the public while hunting for game unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 4 Subsection (d) of Article nine of said act is hereby amended by adding thereto after section nine hundred and thirty-six a new section to read as follows

Section 937 Special Wild Life Refuge Projects Recognition and protection comparable to that which is now accorded to game refuges established and maintained by the commission under the provisions of the Game Law is hereby provided for such special wildlife refuges as may be sponsored established and maintained by any regular sportsmen's organization working in behalf of the public interest and the conservation of wildlife with the written consent and approval of the owner or lessee or other person in responsible control of the land so utilized to cooperate with the Pennsylvania Game Commission in the furtherance of its game management program

The provisions of this act shall be applicable only if the lands adjacent to such special woodlife refuges except safety zones around occupied buildings on the project are open to lawful public hunting and provided the following conditions are complied with

(a) Minimum Acreage No such special wildlife refuge shall contain less than two (2) acres and in no instance shall the combined total acreage set aside as special wildlife refuges and safety zones the latter as provided for in Section eight hundred and eight of the Game Law exceed one acre of such restricted territory for every two acres of open hunting grounds available to public use on the same tract of land or on a number of contiguous tracts combined as one project

(b) Refuge Boundary Lines The boundary line of special wildlife refuges shall be marked by a substantial fence or a marker consisting of at least one strand of wire of not less than twelve gauge or its equivalent if twisted wire is used which wire shall be supported and stretched so that it shall average approximately three and one-half feet from the ground and entirely surround each special wildlife refuge so established

Where such boundary line passes through forest or brushland or briar thickets or high weed growth unless it comprises a road or other cleared strip of land all brush weeds and other growth shall be removed not more than six weeks prior to the open fall hunting season from a strip at least five feet wide adjacent to the fence or wire marker so persons approaching the refuges may recognize said boundary

(c) Boundary Line Posters In addition to the fence or marker hereinbefore specified and the cleared strip where necessary the boundary line of such special wildlife refuge shall be plainly and conspicuously posted prior to October first of each year with legible notices at least ten inches by twelve inches in size placed not more than one hundred yards apart which shall bear the following warning

SPECIAL WILDLIFE REFUGE
HUNTING IS UNLAWFUL
This Refuge Is Provided So That Wildlife
May Have A Place to Escape And Breed in Safety
Entering This Refuse For the Purpose of
Hunting Or Disturbing Wildlife Or Permitting
Dogs To Enter Is Punishable by A Penalty Of
Twenty-Five Dollars ($25.00)
The Lands Surrounding This Wildlife Refuge
Except Safety Zones Are Open To Public Hunting

Sponsored By

.....

(Name of Sponsoring Organization to be Printed Here)
This Refuge Established To Cooperate With The
PENNSYLVANIA GAME COMMISSION

The sponsoring organization in addition to its name may include on such notices the location of its headquarters and the name of the landowner lessee or other person in responsible control of the land so used

The commission is authorized to furnish printed posters with or without charge for the proper posting of such special wildlife refuges and for safety zones on that portion of the property open to public hunting under such regulations as it by resolution may fix

(d) Restrictions Exceptions When a special wildlife refuge has been established and posted in accordance with the foregoing requirements it is unlawful for any person to hunt or trap for pursue take kill or disturb or to attempt to hunt or trap for pursue take kill or disturb wild birds or wild animals of any kind thereon or to permit dogs to enter pursue or disturb such birds or animals thereon except that predators and fur-bearing animals may be removed therefrom by the owner or lessee or other person in responsible control of the land so used or by members of his immediate household if such persons are citizens of the United States or by any citizen of the United States who has obtained a written permit from the sponsoring organization with the consent of the

owner or lessee or other person in responsible control but such removal of predators and fur-bearing animals shall not be undertaken during the month of November of any year

Entrance upon such special wildlife refuges at any time of the year shall be lawful by the owner or lessee or other person in responsible control of land so used or by members of his immediate household or by his authorized representative for customary or normal activities other than those specifically herein prohibited and entrance shall be lawful by any other person who may be designated by the president or secretary of the sponsoring organization for the purpose of improving cover and food conditions or to feed wildlife on such refuges except during the month of November of any year

(e) Penalties Each person violating any of the foregoing provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars for each offense together with costs of prosecution

It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any special wildlife refuge boundary fence or wire or poster placed in accordance with the provisions of this act Each person violating any provision of this paragraph shall upon conviction be sentenced to pay a fine of ten dollars for each offense together with costs of prosecution

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HAINES. Mr. Speaker, I move that this bill be recommitted to the Committee on Game for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1355, entitled:

An Act to repeal article eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision or financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by eliminating contract carriers from the provisions of the act

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby repealed

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. STOCKHAM. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 936, entitled:

An Act to amend section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended giving the board additional power relating to the removal and relocation of gas water and telephone lines highways railroads and other facilities and the payment of costs and damages incident thereto

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" which was reenacted and amended by the act approved the tenth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 43) is hereby further amended to read as follows

Section 10 Contracts and Acquisition of Property All work of any character whether performed by the board under the authority of this act except as hereinafter provided in connection with any State public flood control works and improvements involving an expenditure of more than one thousand dollars shall be performed under written contract let by the board to the lowest responsible bidder after due advertisement as prescribed by the board except however that the board may enter into contracts or agreements without advertisement with any person corporation or municipality covering the removal or reduction of gas water and telephone lines highways railroads or other facilities and provided therein for said removal or relocation by the person corporation or municipality owning such facility The board may require any necessary easements and rights-of-way and may pay all costs and damages necessary arising from and incidental to said removal or relocation Payment shall be made from the fund

The board may sell lease [and] or otherwise dispose of [lands buildings or other property] all property real personal or mixed acquired under the provisions of this act not needed by the Commonwealth for reservoir or flood control purposes subject to the approval of the Governor The moneys received through such sale lease or other disposition shall accrue to the fund

On the question,

Will the House agree to the section?

Mr. HARBESON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 10, page 3, line 12, by inserting after the word "telephone" the following "telegraph, electric light and electric power"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended giving the board additional powers relating to the removal and relocation of gas water and telephone lines highways railroads and other facilities and the payment of costs and damages incident thereto

On the question,

Will the House agree to the title?

Mr. HARBESON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title page 2, third line from the end of the title by inserting after the word "telephone" the following: "telegraph, electric light and electric power"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 785, as follows:

An Act to amend Sections three hundred one and four hundred one of the Act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 1053) known and cited as the "Public Utility Law" by further limiting the control and regulation of the Commission in respect to rates service and extensions by municipal corporations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred one of the Act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 1053) known and cited as the "Public Utility Law" is hereby amended so as to read as follows

Section 301 Rates to be Just and Reasonable Every rate made demanded or received by any public utility or by any two or more public utilities jointly shall be just and reasonable and in conformity with regulations or orders of the Commission Provided That any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits in competition with an existing public utility shall be subject to regulation and control by the commission as to rates with the same force and in like manner as if such service were rendered by a public utility

Section 2 Section four hundred one of the said act is hereby amended to read as follows

Section 401 Character of Service and Facilities Every public utility shall furnish and maintain adequate efficient safe and reasonable service and facilities and shall make all such repairs changes alterations substitutions extensions and improvements in or to such service and facilities as shall be necessary or proper for the accommodation convenience and safety of its patrons employes and the public Such service also shall be reasonably continuous and without unreasonable interruptions or delay Such service and facilities shall be in conformity with the regulations and orders of the Commission Subject to the provisions of this act and the regulations or orders of the Commission every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits in competition with an existing public utility shall be subject to regulation and control by the commission as to service and extensions with the same force and in like manner as if such service were rendered by a public utility

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1424, as follows:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the first day of May one thousand nine hundred thirty-nine and the thirty-first day of May one thousand nine hundred thirty-nine to transfer from the State School Fund to the General Fund such sums not exceeding in the aggregate the sum of one million two hundred thousand dollars ($1,200,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 Upon final enactment of this act the State Council of Education shall proceed immediately to dispose of a sufficient amount of the investments in the State School Fund for the best prices obtainable in order to effectuate the transfer authorized by this act

Section 3 The amounts transferred under this act from the State School Fund to the General Fund shall be repaid to the State School Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1425, as follows:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million dollars ($2,000,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance to provide assistance and for local and certain State administration expenses in the manner provided in the Public Assistance Law for the payment of deficiencies for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the several county boards of assistance funds with which to provide assistance and administrative expenses Allocations so made to a county board of assistance shall be available for expenditure in that county for assistance and for administration expenses in the manner provided by the Public Assistance Law

The Governor with the approval of the Auditor General and the State Treasurer shall from time to time allocate to the Department of the Auditor General and the Treasury Department out of the appropriation made by this act such sums as may be deemed necessary to pay the administration expenses of said departments in auditing and disbursing the appropriation made by this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1426, as follows:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enact as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the first day of May one thousand nine hundred thirty-nine and the thirty-first day of May one thousand nine hundred thirty-nine to transfer from the Flood Control Fund to the General Fund such sums not exceeding in the aggregate the sum of eight hundred thousand dollars ($800,000) as the Governor shall direct Transfer shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Flood Control Fund to the General Fund shall be repaid to the Flood Control Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. Stockham, to preside.

MR. STOCKHAM IN THE CHAIR

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 650, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by providing for the election of county supervisors of agriculture and homemaking the election of principals instructors and lecturers for the Public Service Institute and by further providing for the reimbursement by the Commonwealth of districts of the second third and fourth classes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 of the act approved the first day of May one thousand nine hundred thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid and the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the state" as last amended by Section 2 of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand five hundred forty-eight) is hereby further amended to read as follows

Section 2 The State Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial vocational agricultural vocational [home economics] homemaking and vocational distributive occupational education to assist in the establishment of schools and departments for the aforesaid forms of education and to inspect and approve such schools or departments as are hereinafter provided The State Board for Vocational Education shall make a report annually to the Governor and Legislative describing the condition and progress of vocational industrial vocational agricultural vocational [home economics] homemaking and vocational distributive occupational education during the year and shall also make such recommendations as the State Board may deem advisable

The State Superintendent of Public Instruction shall be the executive officer of the State Board for Vocational Education for the administration of this act Except as hereinafter otherwise provided he as executive officer shall appoint from time to time with the approval of the State Board for Vocational Education such expert assistants other than those already provided for by law as may necessary on vocational industrial vocational [home economics] homemaking vocational agricultural or vocational distributive occupational education and all clerical and other agents necessary in carrying out the provisions of this act

In carrying out the provisions of this act the State Board for Vocational Education shall provide for State regional and county vocational schools or classes with the necessary staffs in accordance with the State Plan for Vocational Educational approved by the Federal Board for Vocational Education

Supervisors of Agriculture and Supervisors of Homemaking shall be elected by the State Board for Vocational Education upon the nomination of the county superintendent of schools and approval by the county board of school directors They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Principals instructors and lecturers for the Public Service Institute shall be elected by the State Board for Vocational Education They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Section 2 Section 9 of said act as last amended by Section 7 of the act of the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand five hundred forty-eight) is hereby further amended to read as follows

Section 9 The Commonwealth in order to aid in the maintenance of [the] approved local or joint vocational industrial vocational [home economics] homemaking vocational agricultural and vocational distributive occupational schools or departments shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining such schools or departments by order on the State Treasurer signed by the Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education from funds appropriated by the Legislature for that purpose or otherwise available and in addition to the amounts paid to such school districts under the provisions of section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended amounts computed in accordance with the following schedules

Districts of the First Class The Commonwealth shall reimburse as hereinafter provided districts of the first class to the extent of twenty-five per centum (25%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subpects in part-time co-operative schools or departments

Districts of the Second Third and Fourth Classes The Commonwealth shall reimburse as hereinafter provided districts of the second third and fourth classes which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars ($200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruc-

tion in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars ($100,000) and not more than two hundred thousand dollars ($200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of [more than fifty thousand dollars ($50,000) and] not more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments [and the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall receive fifty-five per centum (55%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments] Provided That districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided further That no district shall receive a reimbursement of more than eighty per centum (80%) of any one teacher's salary from either Federal or State funds or from both

[The Commonwealth in order to aid in the maintenance of approved local or joint evening vocational industrial evening vocational home economics evening vocational agricultural and evening distributive occupational schools departments or part-time vocational schools or classes shall pay as provided in this act as amended annually from the treasury to school districts and unions of school districts maintaining such evening schools or departments in the several classes of districts an amount equal to two-thirds the sum which was expended for salaries of part-time and evening school teachers and supervisors during the previous school year by such a school district or unions of districts for approved instruction in practical and related technical subjects]

Whenever two or more school districts unite by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall as provided in this act pay annually from the treasury to such unions of school districts the sum of five hundred dollars ($500) so long as such joint agreement is in effect

[In lieu of the foregoing provisions the Commonwealth shall if and when sufficient revenue is available therefor from Federal funds allotted to this Commonwealth for vocational education make payments to school districts and unions of school districts as hereinafter in this section provided If such revenues are not sufficient for all of the increases hereinafter provided for increased payments shall first be made in full of the amounts provided for in clause (a) hereof and thereafter the increased payments provided for in each successive clause in its proper order shall be made in full before any increased payments are made under clause subsequent in order]

[(a)] Local or joint evening vocational industrial evening vocational [home economics] homemaking evening vocational agricultural and evening vocational distributive occupational schools department or part-time vocational [schools or] agricultural classes or vocational retraining classes shall be reimbursed annually or as otherwise provided in this act for the full sum which was expended from July one one thousand nine hundred thirty-seven to June thirty one thousand nine hundred and forty-two and thereafter eighty per centum (80%) of the sum which was expended for the salaries of part-time agricultural teachers and evening vocational school teachers and supervisors during the previous school year by such school district or unions of districts for approved instruction in practical and related technical subjects

[(b)] School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers coordinators supervisors and directors in the conduct of approved vocational schools departments and classes annually from the treasury to school districts and unions of school districts eighty per centum (80%) of the sum expended for approved travel

[(c) Districts of the fourth class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and in addition thereto districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided however that no district shall receive reimbursement of more than eighty per centum (80%) of any one teacher's salary out of either Federal or State funds or both

(d) Whenever two or more school districts have heretofore united or shall hereafter unite by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall pay annually from the treasury to each of the school districts so uniting the sum of two hundred fifty dollars ($250) so long as such joint agreement is in effect

(e) Districts of the third class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational school or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

(f) Districts of the second class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

(g) Districts of the first class shall be reimbursed for thirty-five per centum (35%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments]

Section 3 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-nine

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Downey,	Levy,	Sarraf,
Ackermann,	Ely,	Leydic,	Scanlon,
Allen,	Ewing,	Lichtenwalter,	Schrock,
Allmond,	Falkenstein,	Long,	Schrope,
Alspach,	Fauset,	Lovett,	Schwab,
Andrews,	Finnerty,	Lyons,	Seif,
Atkins,	Fisher,	Madden,	Serrill,
Auker,	Fiss,	Malloy,	Shaw,
Baker,	Flanagan,	Malone,	Shearer,
Balliet,	Fleming,	Marr,	Simons,
Balthaser,	Foor,	Matthews,	Skale,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	Ominsky,	Trout,
Cadwalader,	Hindman,	O'Neill,	Van Allsburg,
Calvin,	Hocke,	Peacock,	Voorhees,
Carpenter	Hoffman, J. N.,	Peale,	Wagner,
Check	Hoffman, S. K.,	Powers,	Walsh,
Chervenak,	Holland,	Preston,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clark	Huntley,	Reagan,	Weiss,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Jirolanio,	Reynolds,	Westrick,
Cook,	Johnston,	Rhodes,	Wilkinson,
Cooper	Jones,	Rider,	Williams,
Cordier,	Keenan,	Riley,	Wilson,
Corrigan,	Kenehan,	Robertson,	Winner,
Cortese,	Kilroy,	Rooney,	Wood, H. M.,
Curran,	Kline,	Rose,	Wood, L. H.,
Dalrymple	Knoble,	Roseberry,	Wood, N.,
Denman,	Kowalski,	Rosenfeld,	Woodside,
DeNote,	Krise,	Rothenberger,	Yeakel,
Dick,	Lee,	Royer,	Turner,
Dix,	Leisey,	Sarge,	Speaker.
Donahue,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 223, as follows:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) titled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as last amended by the acts approved the thirteenth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 45) and the seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 601) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourteenth day of June known as Flag Day the fourth day of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer or other religious observance and in the event of a financial crisis in the State or Nation any day or days appointed by the Governor of this State or the President of the United States as a bank holiday shall for all purposes whatever as regards the presenting for payment or acceptance and as regards the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act And provided further That any bank may by a vote of its directors notice of which shall have been

posted in its banking house for not less than fifteen days before the taking effect thereof observe each Saturday during the months of July and August and the first Saturday of September as full holidays with like effect hereunder as though such days had been designated as full holidays by the provisions of this act

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Downey,	Leisey,	Royer,
Ackermann,	Ely,	Levy,	Sarge,
Allen,	Ewing,	Leydic,	Sarraf,
Allmond,	Falkenstein,	Lichtenwalter,	Scanlon,
Alspach,	Fauset,	Long,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Simon,
Balthaser	Foor,	Matthews,	Skale,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Sollenberger,
Bohn,	Furman,	McKinney,	Stambaugh,
Boies,	Gates,	McNally,	Stank,
Boney,	Gillan,	McVay,	Stewart,
Boorse,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hamilton,	Moser, F. S.,	Terry,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Haudenshield,	Muir,	Thompson, E. F.,
Brunner,	Henry,	Munley,	Tiemann,
Burns,	Hess,	O'Brien,	Tronzo,
Burris,	Hewitt,	O'Connor,	Trout,
Cadwalader,	Hindman,	O'Dare,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Voorhees,
Carpenter,	Hoffman, J N.,	O'Neill,	Wagner,
Check,	Hoffman, S. K.,	Peacock,	Walsh,
Chervenak,	Holland,	Peale,	Watkins,
Christler,	Hoyt,	Powers,	Webster,
Clark,	Huntley,	Preston,	Weiss,
Clearwater,	Imbrie,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	James,	Reagan,	Welsh, M. J.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Westrick,
Cook,	Johnston,	Reese, R. E.,	Wilkinson,
Cooper,	Jones,	Reynolds,	Williams,
Cordier,	Kane,	Rhodes,	Wilson,
Corrigan,	Keenan,	Rider,	Winner,
Cortese,	Kenehan,	Riley,	Wood H. M.,
Curran,	Kilroy,	Robertson,	Wood, L. H.,
Denman,	Kline,	Rooney,	Woodside,
DeNote,	Knoble,	Rose,	Yeakel,
Dick,	Kowalski,	Roseberry,	Turner,
Dix,	Krise,	Rosenfeld,	Speaker.
Donahue,	Lee,		

NAYS—10

Boose,	Hall,	Schrock,	Thompson, G.R.,
Bower,	Lovett,	Shearer,	Wood, N.,
Dalrymple,	Rothenberger,	Snyder,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 670, (Senate Bill No. 206), Printer's No. 93, was passed over at the request of Mr. TROUT.

There being no objection House Bill No. 41, Printer's No. 573, was passed over at the request of Mr. MATTHEWS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1349, entitled:

An Act to amend article two section one thousand thirty-five as amended and sections two thousand four hundred sixty two thousand seven hundred twenty-two and three thousand one hundred one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the creation of boroughs from townships of the first class upon petition to the court of common pleas and a referendum and prescribing the procedure therefor changing contents of auditors' statement further regulating the use of moneys collected on borough-owned water-works giving school districts power to acquire and maintain property jointly with other school districts boroughs cities or counties for certain purposes extending the jurisdiction within which and the manner fines penalties and costs may be collected and repealing existing law providing for the payment of compensation medical and hospital expenses and regulating sick leave periods of certain policemen and firemen

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Dalrymple, Freed and Bretherick requested a verification of the roll.

The roll was verified and was as follows:

YEAS—47

Baker,	Haudenshield,	Melchiorre,	Sarraf,
Balthaser	Hess,	Mihm,	Scanlon,
Boies,	Hindman,	Moran,	Schrope,
Boney,	Hoffman, S. K.,	Munley,	Schwab,
Broad,	Hoyt,	O'Brien,	Stank,
Cohen, R. E.,	Jirolanio,	Ominsky,	Thompson, E. F.,
Cooper,	Kenehan,	O'Neill,	Walsh,
Cordier,	Kilroy,	Powers,	Welsh, E. B.,
DeNote,	Knoble,	Preston,	Welsh, M. J.,
Donahue,	Leisey,	Rider,	Westrick,
Downey,	Lovett,	Rooney,	Williams
Finnerty,	Malone,	Rothenberger,	Woodside,

NAYS—68

Ackermann,	Ewing,	Lyons,	Stambaugh,
Alspach,	Fisher,	Matthews,	Stockham,
Auker,	Fiss,	McClester,	Tahl,
Balliet,	Foor,	McGarrity,	Taylor,
Bennett,	Freed,	McKinney,	Terry,
Boose,	Gillan,	Montgomery,	Thistle,
Bretherick,	Gillette,	Moser, F. S.,	Tiemann,
Bronson,	Habbyshaw,	O'Connor,	Tronzo,
Brunner,	Hamilton,	O'Dare,	VanAllsburg,
Cadwalader,	Harbeson,	Peacock,	Watkins,
Calvin,	Henry,	Peale,	Webster,
Carpenter,	Hocke,	Reese, D. P.,	Wilkinson,
Clearwater,	Holland,	Reese, R. E.,	Winner,
Cortese,	Huntley,	Roseberry,	Wood, L. H.,
Dalrymple,	James,	Royer,	Wood, N.,
Dick,	Johnston,	Schrock,	Yeakel,
Ely,	Leydic,	Shearer,	Turner,
			Speaker.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER (Ellwood J. Turner) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Bucks, Mr. Stockham.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 455, entitled:

An Act to amend sections one two and five of the act approved the twenty-ninth day of March one thousand eight hundred and ninety-nine (Pamphlet Laws twenty-one) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" by providing for the examination and issuance of "Registered Public Auditor" certificates to persons qualified to act as auditors of political subdivisions and relating to the use and revocation of such certificates

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—18

Andrews,	Cohen, H. B.,	Harbeson,	Voorhees,
Auker,	Cordier,	Knoble,	Woodside,
Carpenter,	Denman,	Krise,	Turner,
Chervenak,	Dix,	Marr,	Speaker.
Christler,	Fullerton,	Rhodes,	

NAYS—96

Achterman,	Habbyshaw,	Mooney,	Skale,
Ackermann,	Haines,	Moran,	Sloan,
Atkins,	Hall,	Moser, F. S.,	Snyder,
Baker,	Hamilton,	Moser, J. L.,	Stambaugh,
Bardes,	Henry,	Munley,	Stank,
Boles,	Hindman,	O'Brien,	Stockham,
Boose,	Hoffman, J. N.,	O'Connor,	Taylor,
Brancato,	Hoffman, S. K.,	Ominsky,	Terry,
Bretherick,	Holland,	O'Neill,	Thistle,
Broad,	Huntley,	Preston,	Thompson, E. F.,
Bronson,	James,	Readinger,	Thompson, G. R.,
Brown, H. S.,	Jirolanio,	Reese, D. P.,	Tiemann,
Brown, S. W.,	Johnston,	Reynolds,	Trout,
Brunner,	Keenan,	Rider,	Walsh,
Burris,	Kenehan,	Rooney,	Webster,
Cohen, R. E.,	Leisey,	Rose,	Welsh, E. B.,
Cooper,	Leydic,	Rosenfeld,	Welsh, M. J.,
Dick,	Long,	Sarge,	Williams,
Donahue,	Lovett,	Sarraf,	Wilson,
Ewing,	McClester,	Scanlon,	Winner,
Fauset,	McKinney,	Schrock,	Wood, H. M.,
Fiss,	McLane,	Schwab,	Wood, L. H.,
Fleming,	McVay,	Seif,	Wood, N.,
Foor,	Melchiorre,	Shearer,	Yeakel,
Gillan,	Mihm,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 459, entitled:

An Act to amend section five hundred twenty of an act approved the twenty-fourth day of June one thousand nine hundred thirty-one (Pamphlet Laws twelve hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" empowering the township commissioners to appoint registered public auditors to act instead of elected auditors or auditors appointed by the Court of Common Pleas and relating to the powers duties compensation audits and reports of appointed auditors

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WEISS. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. Mr. Speaker, I shall.

Mr. WEISS. Mr. Speaker, I desire to inquire of the gentleman from Wayne, whether this bill if enacted will interfere with home rule.

Mr. DIX. Mr. Speaker, not at all; in fact it will help home rule.

Mr. WEISS. Mr. Speaker, how is that?

Mr. DIX. Well, Mr. Speaker, it is permissive legislation and as I understand these bills, they are companion bills. At the present time the auditors are elected to serve for a certain length of time but this permits the county commissioners or the supervisors or a certain group of people, to hire once every four years a certified public accountant or a registered auditor. It does not demand that they do it; it simply permits them to do it.

Mr. WEISS. Mr. Speaker, does this permit the elected auditor to be replaced by an appointed auditor?

Mr. DIX. Mr. Speaker, it does provided that such auditors may be appointed.

Mr. WEISS. Mr. Speaker, does the gentleman believe that that would interfere with home rule?

Mr. DIX. No, Mr. Speaker; they are not appointed by people outside of the home district, absolutely not.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, House Bill 459 empowers the townships commissioners to appoint registered public auditors. Isn't it a fact, Mr. Dix, that with House Bill 455 defeated there isn't any such animal as a registered public auditor?

Mr. DIX. Mr. Speaker, I agree with the gentleman from Cambria. It can be reconsidered, however. I may answer also that as far as I could observe the members didn't vote either for or against that bill.

Mr. ANDREWS. Mr. Speaker and members of the House, I would point out to the membership that House Bill 455 was the enabling act, the heart of the program contemplated in House Bill 455, 456, 457, 458, 459, and 460, and without the enactment of House Bill 455, the entire subsequent program collapses.

Mr. JAMES. Mr. Speaker, I would like to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. JAMES. Mr. Speaker, do I understand the gentleman from Wayne to say that this bill would permit supervisors to take advantage of the situation which would be created and appoint registered public auditors.

Mr. DIX. Mr. Speaker, in order to clarify the situation, I would like to make a statement that I think would answer all these questions.

Mr. JAMES. Mr. Speaker, I will be glad to yield after the gentleman answers my question.

Mr. DIX. Mr. Speaker, if the gentleman will read the bill, I think he will understand thoroughly just what it means. If he hasn't read the bill he shouldn't ask these questions.

Mr. JAMES. Mr. Speaker, this bill is an act concerning townships of the first class, and I submit there are no supervisors in first class townships.

Mr. DIX. Mr. Speaker, this bill is a companion bill to several other bills which do include supervisors. At this time I would like to make a statement which I think would clarify the whole situation.

Mr. Speaker and members of the House, these bills 455 to 460 are designed to accomplish an improvement in the quality of auditing of the accounts of counties, cities, boroughs, townships, institution districts and school districts. This legislation does not abolish any office. It does, however, permit municipalities to obtain the services of competent accountants in making either the annual or any other audits of their accounts.

The Board of Examination of Accountants would conduct examinations in the field of municipal accounting and license those who pass satisfactorily as "Registered Public Auditors."

Any borough, township, institution district or school district may, at the option of the governing body, employ an "R. P. A." to make its annual audit in place of the elected auditors.

Any county, city, borough, township, institution district or school district, except a city of the first or second class, may employ an "R. P. A." to make an audit of its accounts apart from the annual audit but such an audit shall not be made oftener than once in four years.

These bills permit the municipalities to get competent professional assistance in auditing instead of the amateur part-time service by people who all too often are elected to audit the books of local governments.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—9

Carpenter,	Dix,	O'Brien,	Turner,
Christley,	Kane,	Woodside,	Speaker.
Cordier,	McNally,		

NAYS—142

Achterman,	Falkenstein,	McGarrity,	Self,
Ackermann,	Fauset,	McKinney,	Serrill,
Allmond,	Fiss,	McLane,	Shearer,
Alspach,	Fleming,	McVay,	Skale,
Andrews,	Foor,	Melchiorre,	Sloan,
Atkins,	Freed,	Mihm,	Snyder,
Auker,	Fullerton,	Mooney,	Sollenberger,
Baker,	Furman,	Moran,	Stambaugh,
Balliet,	Gillan,	Moser, J. L.,	Stank,
Balthaser,	Gillette,	Muir,	Stewart,
Bardes,	Habbyshaw,	O'Connor,	Stockham,
Bennett,	Haines,	O'Dare,	Sweeney,
Boies,	Hamilton,	Ominsky,	Tahl,
Boney,	Harbeson,	O'Neill,	Tarr,
Boorse,	Harkins,	Peacock,	Taylor,
Boose,	Hess,	Peale,	Thistle,
Bower,	Hindman,	Preston,	Thompson, E. F.,
Brancato,	Hoffman, J. N.,	Readinger,	Thompson, G. R.,
Bretherick,	Hoffman, S. K.,	Reagan,	Tiemann,
Broad,	Holland,	Reese, D. P.,	Tronzo,
Bronson,	James,	Reese, R. E.,	Trout,
Brown, H. S.,	Jirolanio,	Reynolds,	Van Allsburg,
Brunner,	Johnston,	Rider,	Walsh,
Burris,	Kilroy,	Riley	Webster,
Cadwalader,	Kline,	Robertson,	Weiss,
Chervenak,	Kowalski,	Rooney,	Welsh, E. B.,
Clearwater,	Krise,	Rose,	Welsh, M. J.,
Cohen, R. E.,	Lee,	Roseberry,	Westrick,
Cooper,	Leisey,	Rothenberger,	Williams,
Corrigan,	Levy,	Royer,	Wilson,
Dalrymple,	Leydic,	Sarraf,	Winner,
Denman,	Lichtenwalter,	Scanlon,	Wood, H. M.,
Dick,	Long,	Schrock,	Wood, L. H.,
Donahue,	Lovett	Schrope,	Wood, N.,
Downey,	Marr,	Schwab,	Yeakel,
Ewing,	McClester,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL PASSED OVER

There being no objection House Bill No. 1208, Printer's No. 578, was passed over at the request of Mr. McNALLY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 187, entitled:

An Act to amend section five hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by requiring extra fees for the assignment of special registration plates

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, I rise to speak against this measure. True enough, the bill was sponsored by a Democrat but it was a Republican Committee that let it get out on the floor of this House.

Several years ago we Democrats abolished special privileges in Pennsylvania. We did it then, and see no need for changing our attitude on this very important issue. We felt then and we continue to feel that in this Commonwealth there should be equality for all and special privileges for none. I for one am very much satisfied with my ordinary type of plates, and am happy to be able to afford them. I ask no additional privileges that cannot be had by any citizen within the Commonwealth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—111

Ackermann,	Finnerty,	Lyons,	Sarraf,
Achterman,	Fisher,	Malloy,	Schrock,
Allen,	Foor,	McGarrity,	Schrope,
Allmond,	Freed,	McKinney,	Seif,
Alspach,	Fullerton,	McNally,	Shaw,
Auker,	Furman,	McVay,	Simons,
Balthaser,	Gillan,	Melchiorre,	Sloan,
Boles,	Habbyshaw,	Mihm,	Snyder,
Boney,	Haines,	Mooney,	Sollenberger,
Boorse,	Hall,	Moran,	Stank,
Boose,	Hamilton,	Moser, F. S.,	Stewart,
Brancato,	Hess,	Munley,	Stockham,
Bretherick,	Hindman,	O'Brien,	Tarr,
Broad,	Hocke,	O'Connor,	Tiemann,
Brown, H. S.,	Hoffman, J. N.,	O'Dare,	Trout,
Brown, S. W.,	Hoffman, S. K.,	Ominsky,	Walsh,
Burris,	Hoyt,	O'Neill,	Watkins,
Calvin,	James,	Peacock,	Weiss,
Clearwater,	Jirolanio,	Peale,	Williams,
Cordier,	Johnston,	Powers,	Wilson,
Cortese,	Kane,	Reese, D. P.,	Winner,
Dalrymple,	Kilroy,	Reynolds,	Wood, H. M.,
Dick,	Kline,	Rhodes,	Wood, L. H.,
Ely,	Knoble,	Rider,	Woodside,
Ewing,	Krise,	Rothenberger,	Yeakel,
Falkenstein,	Lee,	Royer,	Turner,
Fauset,	Leydic,	Sarge,	Speaker.

NAYS—35

Andrews,	Gorski,	Malone,	Thompson, G. R.,
Baker,	Harbeson,	Marr,	Tronzo,
Balliet,	Harkins,	Preston,	VanAllsburg,
Bennett,	Henry,	Readinger,	Voorhees,
Carpenter,	Holland,	Rose,	Webster,
Chervenak,	Huntley,	Roseberry,	Welsh, E. B.,
Cooper,	Leisey,	Shearer,	Welsh, M. J.,
Donahue,	Lichtenwalter,	Sweeney,	Westrick,
Fiss,	Long,	Terry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1400, (Senate Bill No. 138), entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Long,	Schrock,
Allen,	Ewing,	Lovett,	Schrope,
Allmond,	Falkenstein,	Lyons,	Schwab,
Alspach,	Fauset	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Fleming,	Marr,	Shearer,
Balliet,	Foor,	Matthews,	Simons,
Balthaser,	Freed,	McClester,	Skale,
Bardes,	Fullerton,	McGarrity,	Sloan,
Bennett,	Furman,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,
Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Melchiorre,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Calvin,	Hoffman, J. N.,	Peacock,	Voorhees,
Carpenter,	Hoffman, S. K.,	Peale,	Wagner,
Check,	Holland,	Powers,	Walsh,
Chervenak,	Hoyt,	Preston,	Watkins,
Christler,	Huntley,	Readinger,	Webster,
Clark,	Imbrie,	Reagan,	Weiss,
Clearwater,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Johnston,	Reynolds,	Westrick,
Cook,	Jones,	Rhodes,	Wilkinson,
Cooper,	Kane,	Rider,	Williams,
Cordier,	Kenehan,	Riley,	Wilson,
Corrigan,	Kilroy,	Robertson,	Winner,
Cortese,	Kline,	Rooney,	Wood, H. M.,
Curran,	Knoble,	Rose,	Wood, L. H.,
Dalrymple,	Kowalski,	Roseberry,	Wood, N.,
Denman,	Krise,	Rosenfeld,	Woodside,
DeNote,	Lee,	Rothenberger,	Yeakel,
Dick,	Leisey,	Royer,	Turner,
Dix,	Levy,	Sarge,	Speaker.
Donahue,	Leydic,	Sarraf,	

NAYS—2

Andrews,	Finnerty,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3 p. m. Are there objections? The Chair hears none and declares a recess until 3 p. m.

AFTER RECESS

The House reconvened at 3 p. m.

The SPEAKER (Elwood J. Turner) in the Chair.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

BINGO

Petitions from citizens of Philadelphia advocating passage of House Bill No. 350.

Referred to the Committee on Ways and Means.

PITTSBURGH CHARTER PLAN

Petitions from citizens of Pittsburgh urging passage of House Bill No. 1429.

Referred to the Committee on Cities—Second Class.

SUNDAY FISHING

Petitions from citizens of Lebanon objecting to the amendment of the Fishing Laws, providing for local option on Sunday fishing.

Referred to the Committee on Fisheries.

ALIEN REGISTRATION

Petitions from citizens of Philadelphia opposing House Bill No. 134.

Referred to the Committee on Labor.

SCHOOLS

A Resolution from the Workers Alliance G. 1270 of Chester;

A communication from Pascoyoula Tribe No. 533 of the Improved Order of Red Men of East Union;

advocating the passage of House Bill No. 711, and opposing House Bill No. 219.

Referred to the Committee on Education.

LIQUOR

Communications from the Pennsylvania Federation of Fraternal and Social Organizations of Harrisburg;

The Pennsylvania Anti-Saloon League of Philadelphia;

advocating the passage of House Bill No. 706; urging that local option elections be changed from the municipal primary to the regular municipal and township election day in November.

Referred to the Committee on Liquor Control.

RELIEF

Resolutions from the Workers Alliance, G. 1270 of Chester;

The Pennsylvania Industrial Union Council of Harrisburg;

supporting Senate Bill No. 47, House Bill No. 206, and encouraging the establishment of better standards of employment.

Referred to the Committee on Welfare.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 254.

An Act to amend section one thousand two hundred seven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

HOUSE BILL No. 895.

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes

HOUSE BILL No. 868.

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners"

HOUSE BILL No. 947.

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

HOUSE BILL No. 732.

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

With the information that the Senate has passed the same without amendment.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 3:25 p. m. to permit the Committee on Liquor Control to meet. Is there objection? The Chair hears none and declares a recess until 3:25 p. m.

AFTER RECESS

The House reconvened at 3:25 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 305.

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 3, by inserting before the word "article" the words "except as hereinafter provided any"; also line 6, by striking out the words "toy pistols" and inserting in lieu thereof the word "and"; also lines 6 and 7, by striking out the words "toy canes and toy guns"; also page 2, by inserting after line 5 the following new paragraph:

"The term "fireworks" shall not include toy pistols toy canes toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture the sale and use of which shall be permitted at all times."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—133

Allmond,	Ely,	McGarrity,	Serrill,
Alspach,	Fauset,	McLane,	Shaw,
Atkins,	Finnerty,	McNally,	Shearer,
Bardes,	Fiss,	McVay,	Sloan,
Bennett,	Flanagan,	Melchiorre,	Snyder,
Bohn,	Fullerton,	Mihm,	Sollenberger,
Boney,	Gates,	Montgomery,	Stambaugh,
Boorse,	Gillan,	Mooney,	Stank,
Boose,	Gillette,	Moser, F. S.,	Stewart,
Bower,	Habbyshaw,	Moser, J. L.,	Stockham,
Boyd,	Haines,	Muir,	Sweeney,
Brancato,	Hall,	Munley,	Tahl,
Bretherick,	Hamilton,	O'Brien,	Tarr,
Bronson,	Harbeson,	O'Connor,	Taylor,
Brown, H. S.,	Harkins,	O'Dare,	Thistle,
Brown, S. W.,	Hoffman, S. K.,	O'Keefe,	Thompson, E. F.,
Brunner,	Holland,	Ominsky,	Thompson, G. R.,
Cadwalader,	Hoyt,	O'Neill,	Trout,
Calvin,	Imbrie,	Peacock,	VanAllsburg,
Carpenter,	James,	Preston,	Voorhees,
Chrlstler,	Johnston,	Reagan,	Walsh,
Clearwater,	Jones,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Kilroy,	Reynolds,	Welsh, E. B.,
Cooper,	Kowalski,	Rhodes,	Wilkinson,
Cordier,	Lee,	Rider,	Wilson,
Corrigan,	Leisey,	Riley,	Winner,
Cortese,	Levy,	Rooney,	Wood, H. M.,
Dalrymple,	Leydic,	Rosenfeld,	Wood, L. H.,
Denman,	Lichtenwalter,	Rothenberger,	Wood, N.,
DeNote,	Madden,	Royer,	Woodside,
Dick,	Malone,	Sarge,	Yeakel,
Dix,	Marr,	Schrock,	Turner,
Donahue,	Matthews,	Schrope,	Speaker.
Downey,	McClester,	Seif,	

NAYS—18

Achterman,	Burris,	Kenehan,	Tronzo,
Andrews,	Falkenstein,	Malloy,	Welsh, M. J.,
Baker,	Gorski,	Moran,	Westrick,
Balthaser	Jirolanio,	Readinger,	Williams,
Boles,	Keenan,	Reese, R. E.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 442.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 6, page 4, by inserting after the word "Highways" at the end of line 23 the words "In case any records or reports required by law are not made in the manner or at the time required no further funds shall be approved for payment by the Secretary of Highways to such township until such reports have been made and approved"; also line 26, by striking out the words "and equipment rental" and inserting in lieu thereof the words "rental of equipment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Ely,	Leydic,	Sarraf,
Allen,	Ewing,	Lichtenwalter,	Scanlon,
Allmond,	Falkenstein,	Long,	Schrock,
Alspach,	Fauset,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boles,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G. R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	Van Allsburg,
Carpenter	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,

Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 443.

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road building machinery and equipment belonging to such townships

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 8, line 12, by striking out the word "three" and inserting in lieu thereof the word "two"; also line 13, by striking out the word "May" and inserting in lieu thereof the word "July"; also line 14, by striking out the words "August first"; also line 19, by inserting before the word "showing" the words "and December thirty-first"; also line 22, by inserting after the word "Highways" the words "In case any records or reports required by law are not made in the manner or at the time required no further funds shall be approved for payment by the Secretary of Highways to such township until such reports have been made and approved"; also line 25, by striking out the words "and equipment rental" and inserting in lieu thereof the words "rental of equipment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Ely,	Leydic,	Sarraf,
Allen,	Ewing,	Lichtenwalter,	Scanlon,
Allmond,	Falkenstein,	Long,	Schrock,
Alspach,	Fauset,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boies,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G. R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.	Westrick,
Cooper,	Jones,	Reynolds,	Wilkinson,
Cordier,	Kane,	Rhodes	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 8, 1939.

Resolved (if the Senate concur), that House Bill No. 480, Printer's No. 584, entitled "An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation," be recalled from the Governor for the purpose of amendment.

RESOLUTION

RECALLING HOUSE BILL NO. 567 FROM THE GOVERNOR

Mr. HALL offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 8, 1939.

Resolved (if the Senate concur), that House Bill No. 567, Printer's No. 166, entitled "An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled 'An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties' increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 138.

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

The SPEAKER. The Chair requests the gentleman from Greene, Mr. Furman, to preside.

MR. FURMAN IN THE CHAIR.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 38.

An Act to amend Sections Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds etc and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, line 11, by inserting after the word "systems" the words "low head dams"; also lines 15 and 16, by striking out the words "and making them legal investments for trust funds etc." and inserting in lieu thereof the words "avoiding competition with existing enterprises"; also line 16, by striking out after "etc." the word "and"; also line 23, by inserting after the word "thereof" the words "and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board."

Amend Section 1, page 6, line 18, by inserting after the word "lakes" the words "low head"; also same page, line 21, by inserting before the word "Provided" the following: "The purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes."

Amend Section 2, page 12, by striking out all of lines 17 to 23 inclusive as follows: "Any fiduciary insurance company State bank trust company bank and trust company and any departmental administrative board and commission or other agency of the Commonwealth shall have power to invest funds and moneys in his or its possession and control in said bonds and such bonds shall be deemed legal investments for all such purposes."

Amend Section 3, page 14, line 10, by inserting after the word "however" the words "That water and water rights may not be acquired unless and until approval is obtained from the Water and Power Resources Board in accordance with the law in such cases made and provided And provided further"; also same page, line 12, by inserting a light-faced bracket before the word "(except"; also same page, line 13, by inserting a light-faced bracket after the word "project)"; also same page, line 16, by inserting a light-faced bracket before the word "And"; also same page, line 20, by inserting a light-faced bracket after the word "site"; also same line, by striking out the word "involved."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I do not feel that the membership should concur in the amendments inserted by the Senate unless considerably more deliberation and thought be given to them.

On page 2 of the title you will see that they have inserted the problem of low head dams. That insertion appears again on page 6. The purpose of that is to prevent and limit the authorities in the type of construction they will make in furthering their own authority work, a very definite and decided limitation upon the activities of the Authority, a limitation that has been placed upon the act in the form of low head dams for the specific purpose of preventing any dams being so constructed that it might be susceptible to the creation of hydro-electric power. I do not know how the majority members of the House feel

toward the problem of the construction of dams susceptible to utilization in the generation of electric energy, but I do feel that there should be no limitation upon the type of improvement the Authority can make and their activities along those lines should not be so hampered so that the purpose of the Authority might be impinged upon.

The act as amended by the Senate contains other very definite limitations in the scope and activities of the Authority. It removes the provision of the act which allows bonds of the Authority to be susceptible to investment by certain fiduciaries, including insurance companies, banks, trust companies and any departmental board or commission, and in its entirety, to a great extent, impinges upon the activities of the municipal authorities. I might state that this is not the General State Authority, but rather the authorities that are instituted and set up by the various municipalities and to surround those various municipal authorities with the hinderances as has been done in the Senate amendment surely should not have our concurrence.

I therefore suggest, Mr. Speaker, that this matter be nonconcurred in so that the differences existing between the House and the Senate might be the subject of more deliberation.

Mr. WOODSIDE. Mr. Speaker and members of the House, in the Act of 1935, the matter of low-head dams was in the act in the manner in which it has been re-instated by the Senate. May I read that part of the amendment on page six, because it explains that:

> "The purpose and intent of this act being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises."

It was in order to prevent this type of construction that this amendment was inserted into the act.

On the question of whether or not these bonds shall be legal investments for the various types of fiduciaries mentioned by the gentleman from York, I desire to state there was objection to that in the Senate, but inasmuch as there are many other important phases of this bill which we feel are important to be enacted right away, it seemed advisable to withdraw that provision from this bill in order to remove the objection in its entirety. Another bill has passed the House and is now in the Senate which deals with that question alone. The number of that bill is House Bill No. 169. Therefore since that problem is being taken care of in a separate bill, I see no reason why we should not concur in the amendments made by the Senate to this bill. I therefore ask the membership of this House to vote "aye" on the motion.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, there is no assurance given to this House, nor is the majority leader in a position to assure this House, that the measure passed by this House and now before the Senate will be finally enacted. I do not see, pending the final enactment of the companion bill, that we should impinge upon the activities of the municipalities to the extent that their bonds will not be susceptible to fiduciary investment. All that you are doing is practically saying to the municipal authorities, "Gentlemen, you may establish certain public works with municipal authority, but you know if your bonds are not susceptible to fiduciary investment, you will never get the money with which to establish or further those works."

Now, it is very foolish to spend the time of this House on a bill of approximately fifteen pages in order to define, and more particularly set forth, the duties and the obligation of the Authority, and then by the same bill destroy the Authority so that it is not able to finance its project. On the other hand, if the purpose of the amendment is to so impede public works that they will never be susceptible of accomplishment, that purpose is surely obtained.

The problem of low-head dams inserted on page six, line twenty-three is a special insertion placed in there by the utilities generating hydro-electric power to prevent dams being constructed that at some time might be utilized in the generation of electric power.

If the Authority in the furtherance of its project should find it necessary to construct a dam either for flood control, irrigation or for whatever other purpose, might seem advisable to the authority I say O. K. The act specifically says that such a dam must be of the low head construction type, thereby making that construction incapable of utilization in the generation of electric power. I feel it is a mistake for this House on the one hand to tell the authorities to go out and construct a dam for a particular purpose, and then perchance those dams can be economically utilized in the generation of electric energy, say, "You can't use those dams for that purpose, because you are now restricted to construct the low head type." I feel it is a mistake so to do. I feel it is a mistake on one hand to tell the Authority to go ahead, and on the other hand deny the Authority the money, or the possibility of finding the money, whereby they can go ahead. If we expect to continue in this particular type of endeavor, it is absolutely necessary that those authorities be given funds, or else placed in a position where the funds can be secured. This bill should wait until the passage of its companion bill before the House either concurs in it or sends it to the Governor for approval.

Mr. ANDREWS. Mr. Speaker and members of the House, I do not feel that the true inwardness of these amendments has as yet been stated in the discussion. There are, Mr. Speaker, certain municipalities in the state that supply water for communities and which also supply electricity in some instances with steam plants.

The purpose of these amendments is to make certain that those municipalities that already have water works and have their own municipal system for the supplying of electricity, shall not progress still further and change a steam plant to hydro-electric power, a development that might be necessary or desirable in extending their present water works facilities. Some of these municipal plants are very much desired by private corporations now operating. If those municipalities could, in extending the water works systems they now have, build dams which would enable them to supplement their electric power, it would manifestly be more difficult for the utilities to gain a foothold in those communities, and the purpose of these amendments is to help hand over municipal systems to the utilities in those instances where the municipalities have managed to hold their own in furnishing water and electric energy.

Mr. HOLLAND. Mr. Speaker and members of the House, on page 6, line 27, it reads, "the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity."

If ever an amendment was placed in a bill that was directly opposite to what the bill intends to do, this

amendment certainly is that amendment. I think what they mean to say there is, "the purpose and intent of this act being to benefit the utilities of the Commonwealth," not the people of the Commonwealth, because in this amendment it very definitely states that municipalities cannot in any way compete with privately owned utilities. It is absolutely tying the hands of all the local municipalities of the state. Even if the utilities are charging exhorbitant rates, the municipality is unable to start competition with a publicly owned utility. I think if ever a joker was placed in a bill for the people of Pennsylvania, the Senate certainly has done that when they say, "Benefit the people of the Commonwealth," when they should have printed it to read, "To benefit the utilities of the Commonwealth."

Mr. WOODSIDE. Mr. Speaker and members of the House, at the present time the act passed by the last session of the Legislature, to which the gentleman from York, the minority floor leader referred, does not contain any provision for the bonds to be legal investments for fiduciaries. That was inserted into the bill by the House amendment. At the same time municipalities have been able to operate under this act and sell their bonds, although there may be some change necessary to permit the bonds to be used as fiduciary investments; there is some discussion about that matter. However, such a provision would have interfered with the passage of this bill and might have caused the defeat of this bill. I am certain that if the gentleman from York will use his influence with the members on the other side, that he will be able to persuade them that House Bill 169 should be passed, should be enacted into law. I feel he will have considerable influence in determining whether or not the bill will be passed, and I think if he will use that influence towards the passage of the bill it will prove very helpful.

Mr. Speaker, I think this bill in its present form is quite satisfactory, should be adopted as is, and that we should concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—118

Ackermann,	Downey,	Krise,	Sloan,
Alspach,	Ely,	Lee,	Snyder,
Atkins,	Ewing,	Leisey,	Sollenberger,
Auker,	Fauset,	Leydic,	Stambaugh,
Balliet,	Fisher,	Lichtenwalter,	Stewart,
Bardes,	Fiss,	Lyons,	Stockham,
Bennett,	Fleming,	Madden,	Sweeney,
Boorse,	Foor,	Marr,	Tahl,
Boose,	Freed,	Matthews,	Taylor,
Bower,	Fullerton,	McClester,	Terry,
Boyd,	Gates,	McGarrity,	Thistle,
Bretherick,	Gillan,	McKinney,	Thompson, G. R.,
Bronson,	Gillette,	McNally,	Tiemann,
Brown, S. W.,	Habbyshaw,	Moser, F. S.,	Trout,
Brunner,	Haines,	Moser, J. L.,	VanAllsburg,
Cadwalader,	Hall,	Muir,	Voorhees,
Calvin,	Hamilton,	O'Dare,	Wagner,
Carpenter,	Harbeson,	Peacock,	Watkins,
Christler,	Haudenshield,	Reagan,	Webster,
Clark,	Henry,	Reese, D. P.,	Wilkinson,
Clearwater,	Hocke,	Rhodes,	Wilson,
Cook,	Hoyt,	Riley,	Winner,
Cooper,	Huntley,	Robertson,	Wood, H. M.,
Cordier,	Imbrie,	Roseberry,	Wood, L. H.,
Curran,	James,	Royer,	Wood, N.,
Dalrymple,	Johnston,	Schrock,	Woodside,
Denman,	Jones,	Seif,	Yeakel,
Dick,	Kline,	Serrill,	Turner,
Dix,	Knoble,	Shearer,	Speaker.
Donahue,	Kowalski,	Simons,	

NAYS—69

Achterman,	DeNote,	McLane,	Rooney,
Allen,	Falkenstein,	Melchiorre,	Rosenfeld,
Allmond,	Finnerty,	Mihm,	Rothenberger,
Andrews,	Flanagan,	Mooney,	Sarraf,
Baker,	Furman,	Moran,	Schrope,
Balthaser,	Gorski,	Munley,	Schwab,
Bohn,	Harkins,	O'Brien,	Shaw,
Boles,	Hess,	O'Connor,	Skale,
Boney,	Hindman,	O'Keefe,	Stank,
Brancato,	Hoffman, S. K.,	Ominsky,	Tarr,
Broad,	Holland,	O'Neill,	Thompson, E. F.,
Brown, H. S.,	Keenan,	Powers,	Tronzo,
Burns,	Kenehan,	Preston,	Weiss,
Burris,	Levy,	Readinger,	Welsh, E. B.,
Chervenak,	Lovett,	Reese, R. E.	Welsh, M. J.,
Cohen, H. B.,	Malloy,	Reynolds,	Westrick,
Cohen, R. E.,	Malone,	Rider,	Williams,
Corrigan,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Greene, Mr. Furman.

REPORTS FROM COMMITTEES

Mr. ROYER from the Committee on Liquor Control re-reported as amended, House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor and malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities.

Mr. BRETHERICK from the Committee on Liquor Control re-reported as amended, House Bill No. 925, entitled:

An Act to further amend section two five six seven thirteen fourteen sixteen nineteen twenty-one clauses seven eight twelve and thirty-three of section twenty-three section thirty of and thirty-two and to add clause thirty-six to section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" further regulating distributors providing for hearings and recommendations on retail dispensers' licenses by district boards vesting additional powers and discretion in the Pennsylvania Liquor Control Board prohibiting the grant of licenses in certain territory and to places where stores are operated providing for the advertisement of license applications regulating appeals from the action of the board and denying appeals in certain cases regulating the grant renewal transfer and revocation and suspension of licenses and amusement permits increasing retail dispensers' and club license fees and prescribing penalties

Mr. CURRAN from the Committee on Liquor Control re-reported as amended, House Bill No. 1125, entitled:

An Act to further amend Sections 2 202 203 305 402 403 404 407 408 409 410 411 paragraph (14) of Section 602 paragraph (e) of Section 609 Sections 610 and 701 of and to add Section 204 and paragraph (31) to Section 602 and paragraph (f) to Section 611 to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by defining "district" establishing the force of regulations of the board creating district boards regulating the appointment of members thereof and defining their duties and powers requiring the further advertising of applications for licenses the issuance thereof and appeals from the decisions of the board providing for hearings by the district boards increasing fees for licenses further regulating the revocation and suspension of licenses and providing for the disposition thereof providing for the giving of a bond in order to make any appeal a supersedeas prohibiting the illegal use of purchase permit cards changing the hours during which clubs may sell liquor or malt and brewed beverages regulating licensees interlocking business and the issuance of permits for entertainment protecting the interests of holders of bailment leases and conditional sale contracts prescribing additional penalties for sales to minors and imposing duties upon municipalities

Mr. JAMES from the Committee on Appropriations re-reported as amended, House Bill No. 1005, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Mr. CORDIER from the Committee on Appropriations re-reported as amended, House Bill No. 1007, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Mr. WINNER from the Committee on Appropriations reported as amended, House Bill No. 255, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

Mr. SNYDER from the Committee on Appropriations reported as amended, House Bill No. 22, entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1252, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Mr. HAMILTON from the Committee on Appropriations reported as amended, House Bill No. 258, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

Mr. BOORSE from the Committee on Liquor Control reported as amended, House Bill No. 97, entitled:

An Act authorizing the appointment of a commission to make a just, fair and impartial investigation of the manufacture, conduct, sale and advertising of malt and brewed beverages, spirituous liquors and wines, together with the methods and practices of manufacturers and dispensers thereof and in connection therewith; conferring upon the commission full power to issue subpoenas; requiring the commission to make a preliminary report of its findings to this session of the General Assembly, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such manufacture, sale and advertising, which are prejudicial to the interests of the citizens of this Commonwealth, and a final report and recommendations to the General Assembly of the session of one thousand nine hundred and forty-one; authorizing the commission to employ counsel and employes; and making an appropriation.

Mr. BRETHERICK from the Committee on Welfare reported as amended, House Bill No. 1450, entitled:

An Act to amend sections one and two of the act approved the eighteenth day of April, one thousand nine hundred and thirty-five, (P. L. 48), entitled, "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," by requiring employers to disclose information concerning wages of applicants or recipients of public assistance.

Mr. FLEMING from the Committee on Welfare reported as committed, House Bill No. 1445, entitled:

An Act to amend subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by exempting certain property from execution in certain cases.

Mr. EWING from the Committee on Liquor Control reported as amended, House Bill No. 607, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar, over which bar, alcoholic, malt or vinous beverages are sold and providing penalties.

Mr. AUKER from the Committee on Judiciary General reported as committed, House Bill No. 1368, entitled:

An Act to further amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," by not requiring the Governor to approve certain charters.

Mr. JONES from the Committee on Welfare reported as committed, House Bill No. 1449, entitled:

An Act to amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," as amended, by providing for exceptions in certain cases.

Mr. CORDIER from the Committee on Banking reported as amended, House Bill No. 1153, entitled:

An Act to further amend section six hundred and fourteen B, of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights, powers, duties, liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation, association, or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions and officers imposing penalties and repealing certain acts and parts of acts," by changing the liability of common shareholders of banks.

Mr. BOWER from the Committee on Welfare reported as amended, House Bill No. 657, entitled:

An Act to amend section two and clause (d) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Boards, of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" providing that in certain cases when relief is given, milk orders shall be included in such relief.

Mr. BOWER from the Committee on Welfare reported as committed, House Bill No. 1448, entitled:

An Act to amend sections one hundred two, four hundred three, and five hundred one, and subsection (c), of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurer, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them ;providing for the transfer, vesting sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by defining "Public Charge;" and providing for loss of settlement under certain circumstances.

Mr. ALLEN from the Committee on Printing reported as amended, House Bill No. 977, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders to prescribe penalties for the violations of the provisions of this act, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Mr. FINNERTY from the Committe on Banking reported as amended, House Bill No. 758, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by declaring February fifteenth, known as Susan B. Anthony's birthday, a legal holiday.

Mr. O'BRIEN from the Committee on Building and Loan Associations reported as amended, House Bill No. 1086, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations, defining the rights, powers, duties, liabilities and immunities of such associations and of their officers, directors, shareholders, solicitors and other employees. prohibiting the transaction of business in this Commonwealth by foreign building and loan associations, conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions and officers, establishing limitations of actions, imposing penalties and repealing certain acts and parts of acts." as amended by further defining the rights, powers, duties, liabilities and immunities of building and loan associations. and by further regulating the merger and consolidation of building and loan associations, and the creation of building and loan associations by merger, consolidation or conversion, and the conversion of building and loan associations into Federal savings and loan associations.

Mr. COOPER from the Committee on Judiciary General reported as committed, House Bill No. 1372, (Senate Bill No. 129), entitled:

An Act regulating marriages and the issuance of licenses to marry; imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies; providing for the annulment of marriage for certain violations of this act; and fixing other penalties.

Mr. COOPER from the Committee on Judiciary General reported as committed, House Bill No. 1403 (Senate Bill No. 339), entitled

An Act to further amend subparagraph two of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further regulating the security for the deposits of State moneys.

Mr. HAMILTON from the Committee on Rules reported as committed Senate Concurrent Resolution Serial No. 121.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand numerous bills have been reported out of various Committees that have been amended in Committee. I further understand that copies of those bills will not be available to the membership, the Printer's numbers will not be known, until some time tomorrow. The problem that confronts this side of the House is how amendments can be prepared to the new Printer's numbers of the bills, in view of the change in the text of the bill, so that those amendments can be presented to the Chair in the form that the Chair will require them.

The SPEAKER. The Chair would state to the gentleman from York that every effort is being made. The Printer was advised, in advance of the action this afternoon, that we expected to amend these bills and that we would want them printed just as rapidly as they can be placed in his hands after the Committee reported them out. The Chair trusts that we will be able to have the bills the first thing in the morning.

The Chair realizes the difficulty that the minority may be under in the listing of amendments, but suggests to the gentleman from York that he proceed and endeavor to secure the amendments, and when the gentleman knows how extensively it will be necessary to change the amendment in order to conform with the bill, the Chair will be pleased to receive from the minority leader any suggestion, and will grant him such time as may be equitable and fair.

Mr. HERBERT B. COHEN. I thank you, Mr. Speaker.

The SPEAKER. In that connection, by reason of the desire of some of the members to leave tomorrow afternoon, and by reason of the fact that the newspaper correspondents have an important engagement tomorrow evening, if there be no objection the Chair will place House Bills 1337, 925, and 1125 at the head of the second reading calendar in the order in which the numbers have been read, so that they can be taken up first and we can hope to get through with the debate before it is necessary for us to adjourn in the afternoon. Does that answer the parliamentary inquiry of the gentleman from York?

Mr. HERBERT B. COHEN. Mr. Speaker, I appreciate the cooperation and the answer of the Chair to my parliamentary inquiry. Upon the time at which the printer will deliver the bills to the House will depend whether or not we will be able to adjust our amendments to the new Printer's numbers and the new texts of the bills.

The SPEAKER. The Chair suggests that the gentlemen who desire to offer amendments, send their amendments to the Reference Bureau this afternoon, with instructions to change the amendments to fit the new Printer's numbers and the new texts. The Chair will instruct the Printer and likewise request the Reference Bureau to give right of way to these amendments in order that thy may be ready for tomorrow afternoon.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 38.

An Act to amend sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights, powers and duties of such Authorities, authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks, water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises by including waterwo ks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board.

HOUSE BILL No. 254.

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one

thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

HOUSE BILL No. 305.

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

HOUSE BILL No. 442.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

HOUSE BILL No. 443.

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road building machinery and equipment belonging to such townships

HOUSE BILL No. 732.

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

HOUSE BILL No. 868.

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners"

HOUSE BILL No. 895.

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes

HOUSE BILL No. 947.

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 25, 1939.

Whereas, Florence Nightingale was born May 12, 1820 and devoted the greater part of her natural life to alleviate the sufferings of human beings by promoting the organization of modern nursing units through the entire world, in time of war and as well as in time of peace, and

Whereas, her devotion to such cause has contributed incalculably to the alleviation of suffering of human beings in the Hospitals and other similar institutions throughout the world, and

Whereas, the date of her birth is marked with memorial activities in Hospitals throughout many states of this United States, and

Whereas, it is fitting and proper that Hospitals and other similiar institutions in this Commonwealth of Pennsylvania should in some degree commemorate her natal day as a tribute to her sacrifices

Therefore Be It Resolved, (if the House of Representatives concur) that the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May 12 as Hospital Day for the commemoration of the birth of Florence Nightingale and urges upon all Hospitals the

planning of its celebration in a manner expedient and fitting, and

Be It Further Resolved, that the Governor of the Commonwealth of Pennsylvania is hereby urged to issue his proclamation further urging the Hospitals of the Commonwealth of Pennsylvania to join in such commemoration of Hospital Day.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time Senate Concurrent Resolution No. 1, Printer's No. 14, on page 28 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 8, 1939.

Whereas, The whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democray and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are Combating one another; and

Whereas, Never before in the history of the Nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

Whereas, With the Stars and Stripes as its emblem. The United States Flag Association, a non-profit, nonpartisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in Flag Week, June eighth to fourteenth next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore, be it

Resolved, (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the Superintendent of Public Instruction to arrange for the suitable observance of Flag Week in all the public schools, and secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during Flag Week, and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our ride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

On the question,

Will the House concur in the resolution of the Senate?

Mr. ANDREWS. Mr. Speaker, I just rise to inquire as to whether the majority leader has taken a careful census, and do we have any weeks left.

The SPEAKER. Does the gentleman from Cambria desire to interrogate the gentleman from Dauphin?

Mr. ANDREWS. Yes, Mr. Speaker.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker. I am sorry, I do not know what he said.

Mr. ANDREWS. Mr. Speaker, that is the majority leader's usual misfortune; he too frequently does not know what is being said over here.

Mr. WOODSIDE. Mr. Speaker, I think it is sometimes advisable not to know too much about what is being said over there.

Mr. ANDREWS. Mr. Speaker, for the sake of his conscience that is probably right.

Mr. Speaker, I notice this resolution provides for a flag week. I simply asked whether the majority leader has taken a census in order to find out whether we had any weeks left after all of the special weeks we have provided for up to this time. Is there a vacant week?

Mr. WOODSIDE. Mr. Speaker, in response to the gentleman I might refer him to the fact that this is World's Fair Year, and I understand that many days are being set aside for special purposes, this is such and such a day, such and such a week, such and such a month; that seems to be the order of the day. I might also refer him to a story which I am sure he has heard very often, that if you subtract the number of hours you sleep, if you subtract the number of hours you eat, if you subtract Sundays, by the time you are finished you will find there is only one day left and that is Christmas and we don't work on that day.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for his explanation. It reminds me of the story of Parson Jones who was asked by his congregation to quit, and he asked the church board why he had been asked to quit.

He said, "Don't I sputify the devil; don't I argufy the scriptures?"

The board said, "Yes, you sputify the devil, and you argufy the scriptures but you don't specify where at."

On the question recurring,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

BIRTHDAY CONGRATULATIONS

Messrs. WALSH and ELLWOOD B. WELSH offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 9th, 1939.

Whereas, on Saturday, May 6th, the Honorable John P. Corrigan, a member of this House, celebrated another birthday, and

Whereas, The Honorable John P. Corrigan is by no means a "wrong way" member of this House

Therefore, Be It Resolved, that the House of Representatives extends its congratulations to the Honorable John P. Corrigan on his reaching another milestone on his way to further success,

And Be It Further Resolved, That a copy of this Resolution, properly certified, be forwarded to the Honorable John P. Corrigan, by the Chief Clerk of the House.

Mr. CORRIGAN. Mr. Speaker and members of the House, I want to thank the two sponsors of this resolution and also the members of the House who have shown me the courtesy of accepting this resolution. I feel that they should not have reminded me of it because I am, like all Irishmen, trying to forget all birthdays. I thank you.

ADDRESS BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, unless something is done in the closing hours of this Session to assist, or should I say save, the school system in our distressed school districts it is very doubtful whether or not some schools will open when the next school term begins in the Fall. One thing is certain—owners of homes cannot afford to pay any more real estate taxes. Local municipalities have reached the peak in monies they can receive through taxes on real estate. Local authorities have only one choice to go to for increased income and that resource is real estate, and if we, the legislature, are going to continue our stand to permit large exemptions on real estate holdings to continue, we are derelict in our duty and are certainly not sincere in many statements made on the Floor of this House asking for aid for the school system.

Utilities' holdings—for rate making purposes in the State of Pennsylvania—are $2,181,000,000, exclusive of all railroad holdings. According to all information and comparisons, 30% of this valuation should be real estate. Therefore, according to Utilities own record, they have $654,300,000 carried on their books representing the value of their real estate for rate making purposes, or about three times what the inaccurate survey made shows. For, as advised to this House on previous occassions, local assessing units carry no record of the holding of the Utilities due to the fact that no taxes are collected, therefore, they did not bother to make any assessment. This represents about $22,000,000 in real estate taxes—a total loss to our local municipalities and school districts. This is paid in the other 47 states in the United States—and if we were to adopt the same systems as used in the other States and would levy a Special Franchise Tax as is levied in every other state, the income to the local communities would be $44,000,000 instead of $22,000,000. For, in comparison of Special Franchise Taxes with Real Estate Taxes, we find that in most cases Special Franchise Taxes are even greater than Real Estate taxes paid by the Utilities.

Much has been said on the floor of this House regarding keeping industry in Pennsylvania. And—during the last campaign, the Republican Party spoke in length regarding taxes in other States as compared to Pennsylvania. But I have yet to hear any of the majority party acquaint the people of Pennsylvania with the fact that Utilities in Pennsylvania pay less taxes than they do in any other State. Let us quote what is said in New Jersey regarding Utility taxes as compared to Pennsylvania. At a conference of the Public Service Company of New Jersey, their tax expert—protesting of the excessive taxes in New Jersey—stated,

> "the State of New Jersey holdings in Public Utilities is 1/5th of the Utilities' holdings in Pennsylvania, but the Utilities in New Jersey pay twelve times as much in taxes in the State of New Jersey as they do in Pennsylvania."

The day after the Supreme Court declared the Foreign Franchise Tax unconstitutional, the Columbia Gas and Electric Corporation, which instigated the suit, inserted an advertisement in the newspapers giving notice that they had issued a dollar and a half per share dividend on their preferred stocks. On April 24th, John T. Flynn, in his column in the Pittsburgh Press, scores the big utilities tax complaint. He quoted from Mr. Walter S. Gifford, its president, who made a vigorous attack on excessive taxes, although the A. T. & T. had managed to make its 9% dividend in the first quarter of the year. Mr. Gifford said,

> "that if it had not been for Federal taxes, they would have paid $2.00 more per share in dividends."

Mr. Flynn states,

> "it may be questioned whether any considerable number of business men or voters will be moved to tears over the plight of a company which is able to meet all the enormous taxes it complains about and still be able to pay a dividend of 9%. Rather the impulse of the hearer will be to think that the American 'Tel' and 'Tel' has been collecting too much money."

Further down, we can again quote from Mr. Flynn,

> "a blast about taxes from protected utilities making seven, eight or nine per cent, is in very poor taste."

These are the two holding companies who are making a big fight at Harrisburg through their lobbyists to avoid paying a tax that is just and especially at this time when they should come to the assistance of our schools.

I cite these two examples of companies doing business in Pennsylvania and making big profits in Pennsylvania at the cost of our manufacturers and our home owners. And, in many districts, due to the large holding of water companies, they are shifting the burden of taxation on the backs of the farmers. If ever an inequality of taxation exists—it exists when we permit millions of dollars of real estate holdings of utilities to be exempt from local taxation. House Bill 73, held by the Utility Committee, corrects the decision of the Court made in 1825 when the Utilities were small independent companies and not the vast holding companies that exist today. I am surprised that this movement did not come from the majority members of this House. For, the Budget Advisor to the Governor, Dr. Edward B. Logan, had not only been in favor of doing away with this exemption, but in his writing on taxation he has attacked this privilege that the Utilities now enjoy. I want to quote from his letter of March 11th, 1937, addressed to the speaker in reference to a Bill that was then pending to tax the Real Estate of the Utilities. In this letter he states,

> "I have been giving some thought to your Bill and want to pass on to you one thought I believe that it would be possible to show how taxes on Utility Corporations and other Corporations compare. And I think these comparisons would be very unfavorable to the Utilities. It would largely destroy any effective argument they can raise."

I have given every Member of this House a chart showing what is being done in every other State. I have here in my desk, in detail, what is being done in other States. If I thought this Bill was unfair I would be the first to admit it in this House—but all the information I can receive convinces me more of its fairness as data is complied.

I am about to present a Resolution asking for the discharge of the Public Utility Committee. I am in hopes that the sincerity of the members of this House has been genuine when they expressed concern over distressed school districts. Your vote for the discharge of this Com-

mittee will be your answer to your sincerity. I am convinced you will support this motion to discharge.

RESOLUTION

MOTION TO DISCHARGE COMMITTEE

Mr. HOLLAND offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, May 9, 1939.

Resolved, That the Committee on Public Utilities be discharged from further consideration of House Bill No. 78, entitled "An act to amend section two hundred and one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled 'An act relating to taxation designating the subjects, property and persons subject, and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto, and repealing existing laws,' making the real estate of public service companies subject to taxation, and providing certain exceptions," said bill having been in the hands of said Committee for a period of ten days and more, having been referred on January 17th.

On the question,

Will the House adopt the resolution?

Mr. STOCKHAM. Mr. Speaker, one word with reference to this resolution. I rise to oppose this resolution with the knowledge that the bill continues in Committee. I want to remind the House that the bill itself is quite an involved one and relates to special taxation. There are two distinct kinds of taxation as set up in the Commonwealth, the real estate tax which applies to the subdivisions of the Commonwealth and the other one a tax applying particularly to the Commonwealth. It seems that this measure benefits only subdivisions where the property might be located and involves the tax structure relating to utilities. I ask this House to vote down the resolution.

Mr. MORAN. Mr. Speaker and members of the House, as a member of the Public Utility Committee, I want the members of this House to know that I was absolutely in favor of having this bill reported to the House for a vote, and I ask the members of the House to vote in favor of the resolution of Representative Holland.

Mr. ANDREWS. Mr. Speaker, I agree with the gentleman from Bucks that there are two systems of taxation in the State, local taxes and those imposed for the benefit of the Commonwealth, but I call to the attention of the gentleman from Bucks that the industries of this state are abundantly taxed for state purposes and that the industries of this state are in addition taxed for local purposes. I think if the gentleman from Bucks will make an analysis he will find that in proportion to the investment involved, industry is overtaxed at the present time for state purposes as compared with utilities. We certainly know that if industry occupies an acre of land in a municipality that industry pays local taxes on that acre of land. We also know that if a utility occupies an acre of land in a municipality, making it impossible for that municipality to obtain any income from that plot of ground, the utility is exempt. It would only be necessary, Mr. Speaker, for a utility to occupy a very considerable portion of the area of a municipality to bankrupt it, because this acreage per front foot would not yield a local income. I say to those who are interested in the schools, those who are interested in the industries of this state, that it is only fair and equitable that the utilities be placed upon the same basis as regards local taxation that industry is placed.

The question at issue is part of a fight that has been pending in this Legislature for twenty-five years. In one session, industry comes and puts something over on the utilities; the next session utilities come in and they put something over on industry. At the present time it seems it is the utilities period to rule and so with their usual generosity, they are penalizing industry. It would not be so important if by penalizing industry they did not reduce the schools in many districts. So I say the bill in question should be trotted out and submitted to the inspection of this House. Therefore I must vote with the gentleman to discharge the Committee.

Mr. KANE. Mr. Speaker and members of the House, I appear before you this afternoon not as an advocate of nor to oppose higher taxes on utilities. I am not one of those who has been an ardent advocate of a rigid economy program. I am not one who advocates lower taxes at all costs, by any manner of means, but I have been constantly one of those who opposes taxes on the necessities and advocates taxes on luxuries and amusements.

I have heard repeatedly, without offering objections, the election speeches of the gentleman from Allegheny, Mr. Holland, who I understand is about to run for city council of his home city. In three successive sessions of the Legislature I have seen the Holland bill trotted out on the floor of this House. Two of those sessions were dominated by the Democrats. The bill went to a vote and was defeated. Now, we find the Democrats ardent in their support of the Holland bill, which they could not pass when they controlled this Legislature because they knew it was wrong. Now they advocate discharging the committee of the gentleman from Bucks, Mr. Stockham, because to do so, first, would help Mr. Holland's campaign, and second, it would embarrass the Republican party.

There is no sincerity in this move. Furthermore I think it is arrant nonsense. In Mr. Holland's district I believe, or one similar to it called Springdale, are two great power plants which serve a large area of western Pennsylvania. If that little pint-sized borough were able to levy local taxes upon the power companies of western Pennsylvania they could pave their streets with gold at the expense of my community and other communities that are much more interested in taking care of their own problems and getting cheaper electricity. We are not concerned about the problems of Springdale Borough in the least.

Besides, the picture painted by the gentleman from Cambria about the possibility of the utility companies using up the entire landscape so we would have no place for billboards and the junk and other things that the Democrats have protected for four long years, is highly absurd; there will still be room for a few campaign planks. There is room, there are plenty of vacant lots, that could be taxed.

If anyone wants to stay in Pennsylvania, because business has been continuously driven out of here by Democratic legislation, if there are higher taxes needed, Mr. Speaker and members of the House, let us show that we have the intestinal fortitude to raise them. At the same time let us show that we have the intestinal fortitude to place them on luxuries, amusements and liquor, instead

of upon necessities. Whatever may be said about the utility companies, it is a fact, Mr. Speaker, that they alone pay a gross income tax. That is a fact which no one can deny, and it might be well perhaps if there were a gross income tax.

Mr. Speaker and members of the House, the question before you now is simply this: Are you going to, on behalf of a bill which has twice gone down to defeat in a Democratic dominated Legislature, yield to emotionalism to discharge a Committee? If you are, let me suggest, especially to those who are now or should have been Chairmen of Committees, that your committee may be the next one to have a motion to discharge presented against it. Let me suggest to some of you who have vigorously fought against measures in Committee, on principle, when you would not care to fight against the same bills on the floor, with the daily papers issuing publicity against you, it might be just as well to sustain the very necessary principle that Committees consider legislation, and that their decision be sustained, unless they are very, very wrong. Bear in mind, Mr. Speaker and members of the House, that the Holland bill went down to defeat twice before during the Democratic regime and is today resurrected only for campaign purposes.

I ask you to vote "no" on this motion to discharge the Committees.

Mr. DENMAN. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Holland.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HOLLAND. I will, Mr. Speaker.

Mr. DENMAN. Mr. Speaker, in the event this bill should be enacted into law, would the Commonwealth of Pennsylvania as a unit enjoy the benefits from the taxes which would be collected from the real estate of public utilities, as the gentleman proposes.

Mr. HOLLAND. Mr. Speaker, the Commonwealth of Pennsylvania, as the gentleman knows, cannot collect real estate taxes. The only municipalities who can collect real estate taxes, are the local municipalities.

Mr. DENMAN. Mr. Speaker, in the event taxes were placed upon industry as the gentleman proposes in his bill, would the money derived therefrom be placed in the General Fund for allocation to the Department of Education, and from there to be subsequently allocated to the several school districts in proportion to the amount they reduce real estate taxes.

Mr. HOLLAND. It would not, Mr. Speaker, because they could not according to law. Under the constitution of Pennsylvania you cannot tax real estate and put it in a general fund. Real estate in the district where the school districts are located would receive the benefit of the taxes on the real estate of the utilities.

Mr. DENMAN. Mr. Speaker, it is true, is it not, that of the many hundreds of school districts in the Commonwealth of Pennsylvania, only a very few of them contain real estate owned by public utilities.

Mr. HOLLAND. That is not so, Mr. Speaker. In the third and fourth class school districts, they particularly would be getting a lot of help because a lot of the water dams are located in those districts. That was brought out very vividly in the talk on the flood control reservoirs. These water reservoirs exist in fourth class school districts and they are exempt. The result is that these fourth class school districts are handicapped because they lose that money.

Mr. DENMAN. Mr. Speaker, to get the point down to the proposed tax, so to speak, where in Allegheny County is the real estate owned by the People's Natural Gas Company located?

Mr. HOLLAND. Mr. Speaker, that would be distributed throughout Allegheny County.

Mr. DENMAN. Mr. Speaker, where is the real estate in Allegheny County that is owned by the People's Natural Gas Company?

Mr. HOLLAND. Mr. Speaker, in Allegheny County, if this bill passes, the school districts located at Badger.

Mr. DENMAN. Mr. Speaker, I submit the gentleman is not responsive to the question.

Mr. HOLLAND. Mr. Speaker, the People's Natural Gas Company has a building located in the city of Pittsburgh.

The SPEAKER. The Chair would like to remind both of the gentleman that the question before the House is on the discharge of the Committee. We have allowed a very wide latitude in the debate, but the Chair feels that we must now begin to limit it. However, the gentleman from Westmoreland has asked a question and the Chair would ask the gentleman from Allegheny to answer it just as briefly as he can, remembering that the bill is still in Committee.

Mr. HOLLAND. Mr. Speaker, the total valuation of the real estate of the public utilities in Allegheny County is $113,306,656. The taxes that would accrue to political subdivisions would be as follows: to the County of Allegheny $934,779; to the school boards $254,943. The boroughs would receive $192,000; the townships, $81,000, and the school districts would receive $528,000; the city of Pittsburgh would receive $719,000; the school districts of the city of Pittsburgh would receive $423,000.

Mr. DENMAN. Mr. Speaker, do people beyond the city limits of Pittsburgh use People's Natural Gas?

Mr. HOLLAND. Mr. Speaker, the same argument is used with reference to every department store in the city of Pittsburgh.

Mr. DENMAN. Mr. Speaker, I said beyond the city limits.

Mr. HOLLAND. Mr. Speaker, absolutely because the people come into the department stores, and the people of Pittsburgh do not use the steel made by Jones and Laughlin Steel Company.

Mr. DENMAN. Mr. Speaker and members of the House, the purpose of what little interrogation I had is simply this, I feel that the gentleman from Allegheny, Mr. Holland, is on the right track but on the wrong bill. I personally on two previous occasions during the Democratic administration ran for this office advocating just this very thing. I believe in it, but the bill which is now in Committee if passed as it is, would be of munificent benefit to the local communities in which that real estate is situated. It would be of no benefit to the real estate owners living outside of that community. For instance, in Springdale, I think in Allegheny, but I am not positive, the West Penn Power Company has its main plant worth up in the millions of dollars. It is of course exempt from all real estate taxation. If this bill would go through the borough of Springdale would be sitting high, wide and handsome. However, in the borough of Latrobe where I live, fifty-four miles from Springdale borough, which contributes very heavily to the West Penn Power Company, we would receive no benefit.

I submit, Mr. Speaker, that the passage of a bill such as

this bill, while apparently a step in the right direction, will not help the school situation in the Commonwealth of Pennsylvania as a whole, but will only help the school situation and taxing units in the locations where the utility real estate is situated. I felt that this issue was going to come up, and I knew that this administration was going to be faced with the problem of raising taxes for relief purposes that are getting beyond control. For that purpose and to save the administration the embarrassment of having this utility bill come up again, I introduced in January, House Bill 212, which was killed in the Committee on Education.

I would vote for this bill of the gentleman from Allegheny, Mr. Holland, if the bill was state wide in its benefits. However, it is not, and as much as I would like to vote with him to discharge the Committee from further consideration of the bill, I must make this statement in order that I may be understood back home, where I have been in favor of such a measure. I cannot vote to discharge the Committee from further consideration of the bill, due to the fact that this bill is simply a local proposition, where the real estate of the utility is situated, and would be of no benefit to the state tax structure or to the school system of the state of Pennsylvania. If the gentleman would amend his bill so that it would benefit the rest of the state I would be glad to vote for it, however, I ask the membership of the House to vote "no" on this particular motion.

Mr. WOODSIDE. Mr. Speaker, as has been suggested by the Speaker, the debate has drifted away from the subject. The subject under consideration is not the merits of the bill but the motion to discharge the committee. I think both sides have violated this, and I suggest, Mr. Speaker, that the debate be confined to the motion before the House.

Mr. HOLLAND. Mr. Speaker, I feel that I should be permitted to answer Mr. Kane.

The SPEAKER. The Chair feels you should not, under the circumstances.

Mr. HOLLAND. Well then, Mr. Speaker, I will agree with the Chair but I would like to have the opportunity of answering him later.

The SPEAKER. The Chair would not limit the gentleman if he were merely answering the question of whether the Committee shall be discharged. The point of order having been raised by the gentleman from Dauphin we will save a lot of time if we now proceed to vote on the motion of the gentleman from Allegheny.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, apparently the only reason the gentleman from McKean has given to the House to vote against this motion to discharge, which comes within the Rules of the House, was the fact that the Committee Chairman should not be embarrassed by having their Committees discharged from consideration of bills.

I might say to the present Committee Chairmen that they need have no fear in that regard because I have watched the calendar, and apparently the Committee Chairmen have reported out every imaginable bill that has been referred to their Committees. When you look at our calendar you can see that practically every bill that has been referred to Committee has been reported out on the floor, with the possible exception of this bill, so I would recommend to the House, in order that the Committees might keep their record one hundred per cent perfect, that we join in the motion of the gentleman from Allegheny and vote to discharge the Committee from further consideration of what apparently is the only bill that is still in the hands of any committee.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Holland and Mr. Ominsky.

Messrs. Moran, Skale and Harkins asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—60

Ackermann,	Fauset,	Mihm,	Rothenberger
Andrews,	Furman,	Mooney,	Sarraf,
Baker,	Gorski,	Moran,	Schrope,
Balthaser	Harkins,	Munley,	Schwab,
Boles,	Hindman,	O'Connor,	Skale,
Boney,	Hoffman, S. K.,	O'Keefe,	Stank,
Brancato,	Holland,	Ominsky,	Tarr,
Broad,	Jirolanio,	O'Neill,	Thompson, E. F.,
Brown, H. S.,	Keenan,	Powers,	Tronzo,
Burns,	Kenehan,	Preston,	Weiss.
Chervenak,	Lovett,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Malloy,	Reese, R. E.	Welsh, M. J.,
Corrigan,	Malone,	Reynolds,	Westrick,
DeNote,	McLane,	Rider,	Williams,
Falkenstein,	Melchiorre,	Rooney,	

NAYS—129

Achterman,	Ewing,	Lee,	Serrill,
Alspach,	Fisher,	Leisey,	Shearer,
Atkins,	Fiss,	Levy,	Simons,
Auker,	Flanagan,	Leydic,	Sloan,
Balliet,	Foor,	Lichtenwalter,	Snyder,
Bardes,	Freed,	Long,	Sollenberger,
Bennett,	Fullerton,	Lyons,	Stambaugh,
Boorse,	Gates,	Madden,	Stewart,
Boose,	Gillan,	Marr,	Stockham,
Bower,	Gillette,	Matthews,	Sweeney,
Boyd,	Goll,	McClester,	Tahl,
Bretherick,	Habbyshaw,	McGarrity,	Taylor,
Bronson,	Haines,	McKinney,	Terry,
Brown, S. W.,	Hall,	McNally,	Thistle,
Brunner,	Hamilton,	McVay,	Thompson, G.R.,
Cadwalader,	Harbeson,	Moser, F. S.,	Tiemann,
Calvin,	Haudenshield,	Moser, J. L.,	Trout,
Carpenter,	Henry,	Muir,	VanAllsburg,
Christler,	Hewitt,	O'Dare,	Voorhees,
Clark,	Hocke,	Peacock,	Wagner,
Clearwater,	Hoffman, J. N.,	Peale,	Watkins,
Cohen, R. E.,	Hoyt,	Reagan,	Webster,
Cook,	Huntley,	Reese, D. P.,	Wilkinson,
Cooper,	Imbrie,	Rhodes,	Wilson,
Cordier,	James,	Riley,	Winner,
Cortese,	Johnston,	Robertson,	Wood, H. M.,
Curran,	Jones,	Rose,	Wood, L. H.,
Dalrymple,	Kane,	Roseberry,	Wood, N.,
Denman,	Kilroy,	Royer,	Woodside,
Dick,	Kline,	Sarge,	Yeakel,
Donahue,	Knoble,	Schrock,	Turner,
Downey,	Kowalski,	Seif,	Speaker.
Ely,	Krise,		

So the question was determined in the negative and the resolution was not adopted.

RESOLUTION

SYMPATHY EXTENDED

Mr. SWEENEY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 9, 1939.

Within the last few days, this House has again been shocked by news of tragic death in the family of a fellow member.

On Friday, May 5th, Benedict Van Belle, still in his twenties, and brother of our colleague, Thomas B. Van

Belle, of Philadelphia, was killed in an automobile accident near Mont Alto, Pennsylvania.

Although unmarried, he leaves to mourn his untimely death, not only our colleague, but also a mother. Now that the tie of love that so closely bound this son to his mother has been forever severed, it becomes our duty to our colleague and to his bereaved mother, to console and comfort their saddened spirits, therefore be it

Resolved, By this House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that we extend our deepest sympathy to our sorrowing colleague and his mother and direct the Chief Clerk of this House to transmit a copy of this resolution to each of them.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 9, 1939.

Resolved, (if the House of Representatives concur). That Senate Bill No. 83, Printer's No. 35, entitled:

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" by imposing upon the State the keeping of certain convicts.

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 8, 1939.

Resolved, (if the Senate concur), that House Bill No. 567, Printer's No. 166, entitled "An act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled 'An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties' increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties," be recalled from the Governor for the purpose of amendment.

TIME EXTENDED ON BILLS

The SPEAKER. If there are no objections there will be an extension of five day's time on all bills on the postponed calendar. Are there objections? The Chair hears none and the extension of five days is granted on all bills on the postponed calendar.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Apportionment, Wednesday, May 10 at 11 a. m., in Room 325.

Boroughs, Wednesday, May 10 at 10 a. m., in Room 546.

Cities—First Class, Wednesday, May 10 at 11:30 a. m., in Room 546.

Education, Wednesday, May 10 at 11 a. m., in Room 323.

Forestry, Tuesday, immediately after session, in Room 147.

Insurance, Wednesday, May 10 at 10:30 a. m., in Room 323.

Judiciary Special, Wednesday, May 10 at 11 a. m., in Room 333.

Motor Vehicles, Wednesday, May 10 at 10 a. m., in Room 324.

Professional Licensure, Wednesday, May 10 at 11 a. m., in Room 541.

Railroads and Railways, Wednesday, May 10 at 11:30 a. m., in Room 541.

Townships, Wednesday, May 10 at 11 a. m., in Room 418.

Ways and Means, Wednesday, May 10 at 10:30 a. m., in Room 100.

ADJOURNMENT

Mr. ROBERTSON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 5:35 p. m.) the House adjourned until Wednesday, May 10, 1939, at 12 noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., WEDNESDAY, MAY 10, 1939. No. 52.

SENATE

WEDNESDAY, May 10, 1939.

The Senate met at 2:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

In the spirit of genuine earnestness and deepseated honesty, we approach Thee this day, Our Father, endeavoring to express in our labors here the words: "Government is the means of justice as justice is the means of peace." Government, justice, peace! May this trinity of ideals motivate every act and word both in the legislative halls of all our Commonwealths and in the National Congress. May we govern always that justice may be done so that the natural eventuation shall be peace.

In the days of the infancy of our beloved Republic, we remember these words of wisdom: "Let us raise a standard to which the wise and honest can repair." We are certain this standard has long since been raised by other hands and hearts. What we are vitally concerned about today is whether we, in our generation, have maintained that standard, so that the "wise and honest" may continue to find asylum under our standard.

Without Thy help, we neither accomplish that which is worthwhile and meaningful and helpful to any considerable degree, nor do we vitally aid in maintaining our standard of Government.

We dare not eliminate Thee from the governmental pictures we daily make, nor close the door of our hearts to Thee in our deliberations.

Gracious God, let each one of our hearts be thoroughly convinced of the necessity of Thy abiding with us always. For Jesus' sake. Amèn.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS SECRETARY OF COMMERCE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Richard P. Brown, Wayne and Roberts Avenues, Philadelphia, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

BOARD OF TRUSTEES OF LOCK HAVEN STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 9, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Lock Haven State Teachers College, for terms of four years and until their successors are qualified:

POTTER COUNTY

A. P. Akeley, Coudersport, (Reappointment).

CENTRE COUNTY

M. Ward Fleming, Bellefonte.

ELK COUNTY

Dr. W. M. Peirce, Ridgway.

BLAIR COUNTY

Harry C. Smith, Altoona.

CLEARFIELD COUNTY

Harold D. Woolridge, Clearfield.

CLINTON COUNTY

Dr. D. W. Thomas, Lock Haven.
George F. Hess, Beech Creek.
Mrs. Helen McEntire, Lock Haven.

LYCOMING COUNTY

Scott R. McKean, Williamsport.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGE

FLAG WEEK OBSERVANCE, JUNE 8 to 14, 1939

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, March 13, 1939.

Whereas, The whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are combatting one another; and

Whereas, Never before in the history of the nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

Whereas, With the Stars and Stripes as its emblem The United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in Flag Week, June 8th to 14th next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore, be it

Resolved (if the House of Representatives concur), That the General Assembly of the State of Pennsylvania heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the State Superintendent of Public Instruction to arrange for the suitable observance of Flag Week in all the public schools, and, secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during Flag Week, and inviting the people of the State to fly the flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 83

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 9, 1939.

Resolved (if the House of Representatives concur) That Senate Bill No. 83, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

be recalled from the Governor for the purpose of amendment.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 187, (Senate Bill No. 998), entitled:

An Act to amend section five hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code" by requiring extra fees for the assignment of special registration plates.

Which was committed to the Committee on Highways.

House Bill No. 223, (Senate Bill No. 999), entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188) entitled "Legal Holiday Law" by authorizing certain additional bank holidays.

Which was committed to the Committee on Banking.

House Bill No. 650, (Senate Bill No. 1000), entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight), entitled "Vocational Education Law," by providing for the election of county supervisors of agriculture and homemaking, the election of principals, instructors and lecturers for the Public Service Institute, and by further providing for the reimbursement by the Commonwealth of districts of the second, third, and fourth classes.

Which was committed to the Committee on Education.

RESOLUTION URGING DISCONTINUANCE OF BOND REQUIRED FROM RELIEF RECIPIENTS

Mr. DEITRICK offered the following resolution which was twice read:

In the Senate, May 10, 1939.

Whereas, During the last Administration, Act No. 397 was passed which provides in Section 4 as follows:

"Section 4. Property of Indigent Persons Liable for Expense Incurred for Support and Assistance. (a) The real and personal property of any indigent person shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any public body or public agency, whether owned at the time such expenses were incurred or acquired thereafter. Any public body or public agency may use for moneys so expended, and any judgment obtained shall be a lien upon the real estate of such indigent person, and be collected as other judgments;"

and

Whereas, The State Board of Public Assistance on April 6, 1938, submitted to the Attorney General for approval, a procedure for the enforcement of the act above quoted and on July 7, 1938 by resolution adopted a form of bond to be filed as a lien against real property, and

Whereas, The use of said bond was thereafter temporarily suspended, and

Whereas, The former Attorney General suggested that the Department of Public Assistance should expedite collections from relief recipients by requiring them to furnish bonds containing a clause for the confession of judgment, thereby eliminating the necessity of bringing suit against relief recipients, and bringing about the saving of large sums of money, which opinion was concurred in on March 28, 1939 by the present Attorney General, and

Whereas, Pursuant to the suggestion of the former Attorney General the Department of Public Assistance effective April 1, 1939, issued instructions that applicants for all forms of assistance, excepting blind pensioners, be required to file bonds which procedure is now in effect, and

Whereas, The present Department of Public Assistance has recommended and pursuant to said recommendations, a bill has been introduced to amend the Act of 1937 so that only the real and personal property of recipients owned at the time relief is granted or acquired during the period of said grants, is liable for such repayment and providing also that any judgment obtained for the repayment of relief

shall not be enforced against the real and personal property of the recipient comprising his home and furnishings during the life time of such recipient, and

Whereas, The Department of Public Assistance proposes upon the enactment of said act to abandon the use of said bond and to substitute in lieu thereof, an agreement carrying out the provisions of said proposed amended act, now, therefore be it

Resolved (if the House of Representatives concur), That the Secretary of Public Assistance, in view of the above facts, be directed to immediately discontinue the use of said bond.

Mr. DEITRICK, Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. DENT. Mr. President, I object.

The PRESIDENT. There is objection to immediate consideration of the resolution.

MOTION TO LAY RESOLUTION ON TABLE

Mr. OWLETT. Mr. President, I move that the resolution just presented by the Senator from Northumberland, Mr. Deitrick, and to which objection has just been made be printed for the information of the Senate, and that it be laid upon the table.

Mr. GELDER. Mr. President, I second the motion.

Will the Senate agree to the motion?

It was agreed to.

Mr. DENT. Mr. President, I take it that we are still on the order of resolutions.

The PRESIDENT. That is correct.

Mr. DENT. Mr. President, I desire to interrogate the chairman of the Welfare Committee, Mr. Deitrick.

The PRESIDENT. Will the Senator from Northumberland, Mr. Deitrick, permit himself to be interrogated?

Mr. DEITRICK. I will, Mr. President.

Mr. DENT. Mr. President, is it not true that the Committee on Welfare and Pensions ordered the reporting out of Senate Concurrent Resolution, Serial No. 117, yesterday?

Mr. DEITRICK. Yes, Mr. President, that is correct.

Mr. DENT. Mr. President, I desire to interrogate the Senator from Luzerne, Mr. Miller.

The PRESIDENT. Will the Senator from Luzerne, Mr Miller, permit himself to be interrogated.

Mr. MILLER. I will, Mr. President.

Mr. DENT. Mr. President, is it not true that the Senator from Luzerne, Mr. Miller, was entrusted with the reporting out of this particular resolution to which I refer?

Mr. MILLER. Yes, sir, Mr. President, I have the resolution. I do not think it is time, at least I have not heard it called. I will report it out at the proper time.

Mr. DENT. Mr. President, I raise this question because that resolution embodies certain facts that are covered in this resolution. That resolution was ordered reported out yesterday, and I understood it was lost late last evening, and I am happy to know it has been found, and I will wait anxiously until it is reported out.

DIRECTING DEPARTMENT PUBLIC ASSISTANCE TO RESCIND ITS ORDER COMPELLING RELIEF RECIPIENTS TO SIGN BOND PLEDGING FUTURE PAYMENT

Mr. MILLER from the Committee on Welfare to which was referred resolution offered by Messrs. DENT and HALUSKA on April 4, 1939, reported the same with amendment as follows:

In the Senate, April 4, 1939.

Whereas, The Department of Public Assistance through its Director Mr. Russell recently issued an order stating that all persons receiving relief must sign a bond in the sum of $5000 which bond binds said persons or dependents to return to the State Government any and all monies received by said persons in the form of emergency relief, and therefore, it is hereby

Resolved, That this General Assembly do (with the approval of the House of Represenattives) order the Department of Public Assistance through its Director, Mr. Russell, to refrain from enforcing the order. That no such bond be required to receive food and clothing when the person receiving same has no gainful employment and is a relief case because of conditions beyond his or her control, and be is further

Resolved, That this mandate of the General Assembly supersede the order of the Secretary of Public Assistance immediately and that copies be forwarded to the Secretary of Public Assistance, the State Board of Public Assistance to all local Boards of Public Assistance and to the Governor of the Commonwealth and that the Governor is hereby petitioned to enforce the provisions of this resolution.

Laid over one day under rules.

REPORTS FROM COMMITTEES

Mr. EDMONDS, from the Committee on Education, reported as amended, Senate Bill No. 523, (House Bill No. 664), entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

Mr. LETZLER, from the Committee on Education, reported as committed, Senate Bill No. 601, (House Bill No. 559), entitled:

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns or townships or any combination thereof.

He also, from the Committee on Education, reported as amended, Senate Bill No. 625, (House Bill No. 680), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing

revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents; changing provisions relating to employment of children; providing for the education of physically and mentally handicapped children, and for the care of uneducable children, and changing the provisions for the required number of days school shall be kept open.

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 877, (House Bill No. 623), entitled:

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (P. L. 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 995, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page, the names of the owners, proprietors, or publishers, and the managing editors of the same; and providing a penalty.

with the understanding that it shall remain on second reading until next week so that the members of this Senate may study it and know what they are acting on next week.

Mr. CHAPMAN, from the Committee on Judiciary Special, reported as commited, Senate Bill No. 935, (House Bill No. 642), entitled:

An Act to amend the title and section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred sixty-four) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 780, (House Bill No. 804), entitled:

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from certain provisions of said act.

He also, from the Committee on Education, reported as committed, Senate Bill No. 905, (House Bill No. 1170), entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment of out-of-school, unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 381, (House Bill No. 284), entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate, legacies, including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries, the rights powers and liabilities of nonresident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended, providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 827, entitled:

Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, by adding section eight.

Mr. COLEMAN, from the Committee on County Government, reported as committed, Senate Bill No. 720, (House Bill No. 1234), entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 236, (House Bill No. 239), entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 384, (House Bill No. 349), entitled:

An Act to further amend section two hundred fifty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

Mr. FARRELL, from the Committee on Public Health, reported as committed, Senate Bill No. 832, (House Bill No. 718), entitled:

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws, fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by extending the time within which the Commonwealth shall take over all such institutions, and extending the time for the repeal of certain acts listed in section nine of said act.

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 833, (House Bill No. 720), entitled:

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-three), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city, or institution district institutions during such time.

He also, from the Committee on Public Health, reported as amended, Senate Bill No. 814, entitled:

An Act to amend Section four of the act approved the thirty-first day of May, one thousand nine hundred thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbert, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbert, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said limitation ice cream: providing penalties for the violation thereof; and providing for the enforcement thereof," by making unlawful the selling of ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbert, ice or fruit ice for resale to any purchaser not having cabinets, cans, or other containers exclusively to preserve or hold the same.

Mr. BARTLETT, from the Committee on County Government, reported as committed, Senate Bill No. 677, entitled:

An Act authorizing counties of the third class to enter into agreements with certain hospitals for the care of contagious disease cases; and authorizing such counties to make appropriations therefor.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 359, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven; and validating the liens of such taxes.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 506, entitled:

An Act to amend section four hundred and eleven of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws", giving owner of mansion house divided by county line, right to choose situs of assessment.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 737, (House Bill No. 741), entitled:

An Act relating to the administration of oaths by notaries public, magistrates, aldermen and justices of the peace and validating certain oaths heretofore taken.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 570, (House Bill No. 762), entitled:

An Act to amend subdivision heading (i) of article elevent and section one thousand one hundred forty of the act approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating

thereto" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 577, (House Bill No. 902), entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townhsips of the first class, amending, revising, consolidating and changing the law relating thereto" as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 565, (House Bill No. 285), entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto," by providing for the election of auditors.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 568, (House Bill No. 616), entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 237, (House Bill No. 259), entitled:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" as amended by eliminating certain general regulations in the making of insurance contracts by townships.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 571, (House Bill No. 822), entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 573, (House Bill No. 890), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 818, entitled:

An Act to further amend sections ten and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claim; and validating certain municipal liens heretofore filed and certain liens heretofore revived by suggestion and averment.

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 843, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities, selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon, defining certain qualities for milk, providing for inspection of and standards for dairy farms and milk plants, providing for the administration of the Act and the establishment of rules and regulations thereunder and for appeals to the Court of Common Pleas of Dauphin County, therefrom, and imposing penalties, and repealing certain acts and parts thereof.

Mr. JAMES, from the Committee on Judiciary General, reported as committed, Senate Bill No. 626, (House Bill No. 710), entitled:

An Act relating the unlawful practices in the procurement of retainers for attorneys.

Mr. WOLFENDEN, from the Committee on County Government, reported as committed, Senate Bill No. 719, (House Bill No. 1189), entitled:

An Act to amend section six hundred and ten of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

He also, fro mthe Committee on County Government, reported as committed, Senate Bill No. 717, (House Bill No. 899), entitled:

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (P. L. 103) entitled, "The Second Class Township Law," as amended, by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

He also, from the Committee on County Government, re-reported as committed, Senate Bill No. 424, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission, conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instumentalities political subdvisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

He also, from the Committee on County Government, reported as committed, Senate Bill No. 578, (House Bill No. 1068), entitled:

An Act to further amend section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the method of filling vacancies in boards of commissioners

Mr. EROE, from the Committee on Education, reported as committed, Senate Bill No. 621, (House Bill No. 487), entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

He also, from the Committee on Education, reported as committed, Senate Bill No. 950, (House Bill No. 737), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

Mr. SHAPIRO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 393, (House Bill No. 298), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 520, (House Bill No. 299), entitled:

An Act to amend section four thousand one hundred twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 439, (House Bill No. 300), entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 727, entitled:

A Joint Resolution proposing an amendment to section one, article fourteen, of the Constitution of the Commonwealth of Pennsylvania.

Mr. PIERSON, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 815, entitled:

An Act to further amend clause (a) of section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," regulating the hours of labor for female employes of non-profit charitable or welfare institutions.

Mr. GELTZ, from the Committee on Judiciary General, reported as committed, Senate Bill No. 904, (House Bill No. 1164), entitled:

An Act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act

relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 756, entitled:

An Act providing for the substitution of an acting president judge in any court of the Commonwealth having more than one law judge in certain cases.

Mr. TALLMAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 291, (House Bill No. 342), entitled:

An Act to further amend section one thousand thirteen of, and add section one thousand eleven and one-tenth to, the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers, agents and employes and providing a penalty for non-compliance therewith.

Mr. GILSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 872, (House Bill No. 297), entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases.

Mr. MALLERY, from the Committee on Law and Order, reported as amended, Senate Bill No. 701, entitled:

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitors and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by prohibiting the admission of certain children to motion picture exhibitions on Sunday.

BILLS INTRODUCED

Mr. DEITRICK read in his place and presented to the Chair, Senate Bill No. 1001, entitled:

An Act making an allocation to the Department of Health for medical care to the indigent out of the moneys appropriated to the Department of Public Assistance by the Act, approved the day of 1939, Appropriation Acts No. , entitled, "An act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on May thirty-first, one thousand nine hundred and thirty-nine."

Which was committed to the Committee on Appropriations.

He also, read in his place and presented to the Chair Senate Bill No. 1002, entitled:

An Act to further amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board", by redefining "Assistance" to exclude medical care.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also, read in his place and presented to the Chair Senate Bill No. 1003, entitled:

An Act to amend subsection (f) of Section four hundred forty-eight, and Sections two thousand one hundred two, and two thousand nine hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Healing Arts Advisory Board; by providing for medical care to indigent persons; and defining the powers and duties of the Healing Arts Advisory Board.

Which was committed to the Committee on Public Health.

Mr. MALLERY, read in his place and presented to the Chair Senate Bill No. 1004, entitled:

An Act to further amend section six of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the re-

lease on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by extending its provisions to sentences for any crime.

Which was committed to the Committee on Judiciary General.

RESOLUTION MEMORIALIZING JOSEPH SAXTON

Mr. MALLERY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection, The Chair hears none.

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 8, 1939

Joseph Saxton, a former resident of Huntingdon, was one of the world's most outstanding inventors.

Joseph Saxton, without benefit of higher education, was nevertheless a prolific inventor. His scientific skill and mechanical ingenuity won him recognition on two continents. As one of the fifty charter members of the National Academy of Sciences he did much to foster the early development of American industry.

Among his most famous inventions are the first magneto-electric machine (forerunner of the modern electric generator); and the metallic cartridge which revolutionized the world's weapons. Scores of other inventions were the product of his fertile imagination.

A native of Huntingdon, Pennsylvania, a citizen of Philadelphia, and in later years a resident of Washington, D. C., he contributed in no small measure to the advancement of his state and his nation. Never did he invent for pecuniary gain. He gave liberally of his labors apparently without thought of reward. His works elicited comments from the eminent scientists of his day, such as Michael Farady and the British engineers, Talford and Brunel, with all of whom he was intimately acquainted.

These achievements reflect great honor upon the Commonwealth of Pennsylvania, and are worthy of being commemorated in some fitting manner by the Commonwealth.

The fitting commemoration of outstanding achievements performed by native Pennsylvanians acts as an incentive to others to perform meritorious service; therefore be it

Resolved (if the House of Representatives concur), That the Pennsylvania Historical Commission is hereby authorized to obtain or prepare a suitable memorial to commemorate the noteworthy achievements of the said Joseph Saxton, a former Pennsylvanian, and erect or place the same at a suitable place in the Capitol Building at Harrisburg.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS MEMBER OF THE PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

John Siggins, Jr., Warren, Warren County, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

ARTHUR H. JAMES.

Mr. EALY. Mr. President, I also offer the nominations as members of the State Board of Assistance and ask that they be acted upon at this time, with the exception of John W. Howell, Scranton Pa., who was confirmed April 10, 1939.

I also offer the nominations for the Board of Assistance for Cambria County:

APPOINTMENT AS MEMBER OF STATE BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with the law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Board of Public Assistance:

Howard L. Russell, Upper Darby, Delaware County, for a term of six years and until his successor shall have been appointed and qualified.

John Schropp, Lebanon, Lebanon County, for a term of six years, and until his successor shall have been appointed and qualified.

John Stevenson, Bryn Mawr, Montgomery County, until the third Tuesday of January, 1942, and until his successor shall have been appointed and qualified.

Mrs. Harriet B. Phillips, Pittsburgh, Allegheny County, until the third Tuesday of January, 1941, and until her successor shall have been appointed and qualified.

James J. Know, Philadelphia, Philadelphia County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Frank A. Robbins, Jr., Steelton, Dauphin County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF CAMBRIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

CAMBRIA COUNTY

Dr. Charles E. Overberger, Barnesboro, until December 31, 1939. (Reappointment)

Mrs. Mary M. Hays, Johnstown, until December 31, 1941, vice Elvin Overdorff.

Dr. David S. Bantley, Johnstown, until December 31, 1941, vice Mrs. Catherine Q. McGuire.

Evan B. Lloyd, Johnstown, until December 31, 1940, vice Mrs. Naomi Van H. Shettig.

A. L. Hunt, Cresson, until December 31, 1940, vice Frank J. Pentrack.

Dr. John Allan Murray, Patton, until December 31, 1940, vice George C. Hoppel.

A. A. Dietrich, Nanty Glo, until December 31, 1939, vice Blair Pawlowski.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May

9 and 10, 1939, by His Excellency, the Governor of the Commonwealth together with the nominations just reported from Committee.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. CROWE.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. CROWE.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I ask that the nomination of John Siggins, Jr., nominated as Member of the Public Utility Commission be taken up for action by the Senate at this time.

APPOINTMENT AS MEMBER OF THE PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

John Siggins, Jr., Warren, Warren County, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nomination of John Siggins, Jr.?

Mr. SIPE. Mr. President, I wish to be recorded as voting "present".

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Ruth,
Chapman,	Frey,	Lanius,	Scarlett,
Coleman,	Gelder,	Letzler,	Shapiro,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	McGinnis,	Stiefel,
Dent,	Heyburn,	Miller,	Tallman,
DiSilvestro,	Homsher,	Owlett,	Thomas,
Ealy,	Jacobs,	Pierson,	Walker,
Edmonds,	James,	Reed,	Wolfenden,
Eroe,	Jaspan,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I ask that the State Board of Public Assistance be now considered and that it be acted on as a whole, with the exception of Mr. Howell, unless the Senate desires to have them considered individually.

Mr. SHAPIRO. Mr. President, I suggest that they act on the nominations as a whole.

The nominations were read as follows:

APPOINTMENT AS MEMBERS OF THE STATE BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Board of Public Assistance:

Howard L. Russell, Upper Darby, Delaware County, for a term of six years and until his successor shall have been appointed and qualified.

John Schropp, Lebanon, Lebanon County, for a term of six years, and until his successor shall have been appointed and qualified.

John Stevenson, Bryn Mawr, Montgomery County, until the third Tuesday of January, 1942, and until his successor shall have been appointed and qualified.

Mrs. Harriet B. Phillips, Pittsburgh, Allegheny County, until the third Tuesday of January, 1941, and until her successor shall have been appointed and qualified.

James J. Know, Philadelphia, Philadelphia County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Frank A. Robbins, Jr., Steelton, Dauphin County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nominations just read?

Mr. SIPE. Mr. President, I wish to be recorded as voting "present".

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Frey,	Lanius,	Scarlett,
Coleman,	Gelder,	Letzler,	Shapiro,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	McGinnis,	Stiefel,
Dent,	Heyburn,	Miller,	Tallman,
DiSilvestro,	Homsher,	Owlett,	Thomas,
Ealy,	Jacobs,	Pierson,	Walker,
Edmonds,	James,	Reed,	Wolfenden,
Eroe,	Jaspan,	Rice,	Woodward,
Farrell,	Kunkel,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I ask that the Board of Assistance for Cambria County be taken up at this time.

Mr. HALUSKA. Mr. President, I rise to express my views upon the selection of the board for Cambria County, as nominated by the Governor.

Up until this present time I have had no opportunity to discuss this matter in public. I wish to state I have nothing personally against any of the persons appointed by the Governor. I do charge, however, that all of them are bona fide politicians. I come from the County of Cambria, an industrial county, and I fail to find one nomination of any person named belonging to the ranks

of labor and I think that someone is acting very unwisely—not a person, despite the fact that I know of one labor leader, a Republican, who has had twenty-two endorsements of labor unions, including A. F. O. L., and someone saw fit to drop his name from the nominations, and furthermore, Mr. President, Cambria County is somewhat of a queer county. We have in Cambria County in the neighborhood of 75,000 persons belonging to the so-called newer nationalities, and I fail to find one person representing the newer nationalities on any of these new boards of Public Assistance

The former administration made the same mistake. Governor Earle nominated a board in the same manner as Governor James nominated his board.

Last year, during the special session, I was successful in removing three members from that board, and placing upon that board three persons representing labor and the so called newer nationalities. I think it is fair that someone on that board should be a representative of the newer nationalities. If they have to place an appeal they have no place to go.

I think if the Republicans want harmony and try to create harmony they should have seen to it that someone consulted me, at least, to be fair they could have offered me one person, whether Democratic or Republican—I care not. I have tried to go along with the majority leaders of this Senate on all important measures, but when it comes to picking a board affecting my county directly they have cast me aside and paid no attention to my cares, knowing full well it would be up to me to say whether or not that board would be confirmed.

I am willing now to sit down with the Republican leaders of my party in the County of Cambria, or the Senate, to suggest one person. Surely, Mr. President, one person could not control the board. If they would offer one person that I might suggest, and whether that person be a member of the Republican party or of the Democratic party I would not care but, no, they cast me aside and care not for what I think.

I know Republican leaders of my county, outstanding Republican leaders and James supporters, they resent very, very much the board before us today. Many have come to me and asked me to refuse confirmation of this board, but I will not let it be said that I, a Democratic Senator from the County of Cambria would stand responsible for the breakdown of relief in my county. If my friends on the right think they are standing on good soil, that the selection is correct, I am willing to ask my colleagues to confirm this board.

I would much rather that they would hold up these nominations and talk the matter over with me and see whether or not it is possible to arrive at a happy conclusion, but if you insist, gentlemen, upon confirming the board, I will assure you you have sufficient votes on this side of the house to make your confirmation.

The nominations were read as follows:

APPOINTMENT AS MEMBERS OF CAMBRIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

Dr. Charles E. Overberger, Barnesboro, until December 31, 1939. (Reappointment.)

Mrs. Mary M. Hays, Johnstown, until December 31, 1941, vice Elvin Overdorff.

Dr. David S. Bantley, Johnstown, until December 31, 1941, vice Mrs. Catherine Q. McGuire.

Evan B. Lloyd, Johnstown, until December 31, 1940, vice Mrs. Naomi Van H. Shettig.

A. L. Hunt, Cresson, until December 31, 1940, vice Frank J. Pentrack.

Dr. John Allan Murray, Patton, until December 31, 1940, vice George C. Hoppel.

A. A. Dietrich, Nanty Glo, until December 31, 1939, vice Blair Pawlowshi.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nominations just read?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Kunkel,	Scarlett,
Chapman,	Gelder,	Lanius,	Shapiro,
Coleman,	Geltz,	Letzler,	Sipe,
Crowe,	Gilson,	Mallery,	Snowden,
Dando,	Haluska,	McCreesh,	Stevenson,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Homsher,	Miller,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Rice,	Wolfenden,
Eroe	Kilgallen,	Ruth,	Woodward,
Farrell,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I ask now that we act on the nomniations for Notaries Public.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg. May 9, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Marie F. Hallett, 35 Troy Street, Canton, Bradford County, for appointment as a Notary Public, for the term of four years to compute from May 20, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 9, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Herbert J. Bauer, Millvale.

PHILADELPHIA COUNTY

Mrs. Florence Convery, Phila., 1422 Walnut St.
Miss Lillian E. Ward, Phila., 1518 Lincoln- Liberty Bldg.

ARTHUR H. JAMES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for

terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Elizabeth Mauro, Pittsburgh, 702 Chamber of Commerce Bld.
Miss Ruth Spindler, Pittsburgh, 818 Brownsville Road.

CLEARFIELD COUNTY

A. S. Reed, DuBois.
Delbert N. Sutherland, DuBois.

CUMBERLAND COUNTY

Mrs. Clara B. Hart, Mechanicsburg.

LUZERNE COUNTY

Mrs. Nettie Troski, Kingston.

PHILADELPHIA COUNTY

Mrs. Mildred Riggall, Philadelphia, 124 N. 15th St.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

SCHUYLKILL COUNTY

Chester H. Reed, Hegins Twp., Valley View, May 14, 1939.

DELAWARE COUNTY

John L. Hawthorne, Jr., Glenolden, May 22, 1939.

ARTHUR H. JAMES.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Kunkel,	Scarlett,
Chapman,	Gelder,	Lanius,	Shapiro,
Coleman,	Geltz,	Letzler,	Sipe,
Crowe,	Gilson,	Mallery,	Snowden,
Dando,	Haluska,	McCreesh,	Stevenson,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Homsher,	Miller,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Rice,	Wolfenden,
Eroe,	Kilgallen,	Ruth,	Woodward,
Farrell,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I ask unanimous consent that we now proceed to the consideration of the calendar.

The PRESIDENT. That is the next order of business.

Mr. OWLETT. Mr. President, I ask that all Third Reading Bills go over in their order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. SIPE. Mr. President, the first bill on the third reading calendar today is Senate Bill No. 22, the fireworks bill, sponsored by the Senator from Westmoreland, Mr. Dent, and the Senator from Washington, Mr. Reed.

BILLS DROPPED FROM CALENDAR

Mr. SIPE. Mr. President, at the suggestion of the Senator from Washington County, Mr. Reed, co-sponsor, I move that Senate Bill No. 22, on third reading, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties.

be dropped from the Calendar.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

Mr. DEITRICK. Mr. President, I move that Senate Bill No. 594, on third reading, postponed, entilted:

An Act to further amend section three of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" providing for the licensing of certain nurses without examination.

be dropped from the Calendar.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. CHAPMAN. Mr. Presdent, I move that the Senate do now resume consideration of Senate Bill No. 457, on third reading postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 457, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

And said bill having been read at length the third time.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,

Deitrick,	Heyburn,	Miller,	Tallman,
DiSilvestro,	Homsher,	Owlett,	Thomas,
Ealy,	Jacobs,	Pierson,	Walker,
Edmonds,	James,	Rice,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,
Farrell.			

NAYS—0

The majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Mr. EROE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 474, on third reading, over in order.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 474, entitled:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 170) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings.

And said bill having been read at length the third time.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. EROE. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 9, after the word "suit" by striking out the letters "SC" and the bracket before the word "shall": amend Section 1, page 2, line 11, by striking out the bracket after the word "or"; amend Section 1, page 2, line 12, after the word "defendant" by striking out the letters "SC" and the bracket before the word "as"; amend Section 1, page 2, line 13, by striking out the bracket after the word "determine" and inserting the following: "but in no case shall the justice of the peace or alderman impose more than one-half of the costs on the defendant. Provided, however, that where a political sub-division or a police officer of any political sub-division or the Commonwealth is the prosecutor, the cost shall be paid by the county".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill be printed for the use of the Senate.

BILLS INTRODUCED

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT read in place and presented to the Chair Senate Bill No. 1005, entitled:

An Act to amend sections two thousand three hundred and twenty-five and two thousand three hundred and sixty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by making additional provisions for the abatement of nuisances.

Which was committed to the Committee on Municipal Government.

Mr. HALUSKA. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 1006, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities; persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

REPORT FROM COMMITTEE

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Judiciary Special reported as committed, Senate Bill No. 584, entitled:

An Act to repeal section two of the act, approved the first day of April, one thousand seven hundred and ninety-seven (3 Smith's Laws 294), entitled "An act to regulate the manner of selling loaf bread, and to repeal certain existing laws respecting the same."

BILL RE-REFERRED

Mr. DEITRICK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. I there objection? The Chair hears none.

Mr. DEITRICK, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 648, entitled:

An Act to further amend section one of the act approved the nineteenth day of June, one thousand nine hundred eleven, (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers; and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of peni-

tentiaries," permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted.

and asks that it be re-referred to the Committee on Judiciary General.

AUTHORIZING JOINT STATE GOVERNMENT COMMISSION TO MAKE STUDY OF PROVISIONS OF SENATE BILL NO. 512 AND MAKE REPORT.

Mr. THOMAS. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 10, 1939.

Whereas, Senate Bill No. 512 introduced during the present session of the General Assembly provided for the payment of moneys from the Liquid Fuels Tax Fund to the cities, boroughs and townships instead of to counties as now provided by law, and

Whereas, There has been insufficient time to thoroughly study the bill and determine the wisdom of making the change contemplated by the bill, therefore be it

Resolved by the Senate of the General Assembly, That the Joint State Government Commission is hereby authorized and requested to make a study of the provisions of said bill and of any other proposed legislation changing the allocation of moneys in said fund and to make a report of the result of such study at the next session of the General Assembly.

BILL ON THIRD READING

Mr. McGINNIS. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 376, (House Bill No. 74), on third reading, go over in order.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 376, (House Bill No. 74), entitled:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth class.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McGINNIS. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 278), page 2, lines 25 to 27, by striking out the following: S "SC and in counties of the sixth class" in line 25, all of line 26, and the words "quarter sessions may appoint one chief detective" in line 27.

Amend Sec. 1 (Sec. 278), page 2, lines 28, by inserting after the word "detective" the following: S and in counties of the sixth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

Mr. EALY. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. EALY. Mr. President, I was not able to catch exactly the effect of this amendment. I desire to ask the Senator from Allegheny County whether he is placing back in the bill the right of sixth class counties to employ additional detectives—the chief detective.

Mr. McGINNIS. No, Mr. President, it limits them to the chief detective; it does not give authority to appoint an assistant.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill be printed for the use of the Senate.

MOTION TO HAVE THIRD READING BILLS GO OVER IN THEIR ORDER

Mr. OWLETT. Mr. President, I move that all bills on third reading on today's Calendar, which have not been acted upon, go over in their order.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I move that all House bills on the second reading Calendar go over in their order.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 25, as follows:

An Act extending the time for presentation for payment of unemployed relief orders cancelled for non-presentation within the prescribed time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unemployment relief orders heretofore cancelled for non-presentation for payment within the time prescribed by the act approved the fifth day of August one thousand nine hundred and thirty-six (Pamphlet Laws eighty-five) entitled "An act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes" are hereby validated and made binding upon the Commonwealth and shall be honored by payment thereof if such orders shall be presented for payment to the State Emergency Relief Board at Harrisburg Penn-

sylvania within sixty (60) days after the effective date of this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO PUT BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 47, on second reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. HALUSKA. Mr. President, may I ask that the Senator from Tioga, Mr. Owlett, withdraw his motion with regard to Senate Bill No. 472, in order to permit me to offer an amendment.

Mr. OWLETT. Mr. President, I will agree to that if the Senator will agree that it be not read for the second time after the amendments are read.

Mr. HALUSKA. Mr. President, will the Senator from Tioga, Mr. Owlett, give his reasons for his actions?

Mr. OWLETT. Mr. President, the reason for my action in this connection is the fact that there is a House Bill which does substantially the same thing—which is intended, at least, to accomplish the same purpose as this bill, and I understand it is on the way for passage, and complies exactly with the provisions and suggestions of the Department of Public Assistance and I wanted to hold this bill over until we see whether we can make this comply with the other bill.

Mr. HALUSKA. Mr. President, I am satisfied my amendments will change considerably the so-called Van Allsburg Bill; and with regard to Senate Bill No. 47, when this bill was originally printed I had intended to offer the following amendments. The bill was printed without my amendments. I am trying to insert an amendment that will provide that exemption shall continue after the death of the indigent person.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 47, entitled:

An act to amend section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons public cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such persons.

The first section of the bill was read as follows:

Section 1 Section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" is hereby amended to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person other than the real estate comprising the home of such indigent person and other than the personal property comprising the furnishings of such home and other personal property not in excess of three hundred dollars shall be liable for the expenses of his support maintenance and assistance [and burial] incurred by any public body or public agency whether owned at the time such expenses were incurred or acquired thereafter Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments except as to the real and personal property exempted above which exemption shall continue only during the life of the indigent person

(b) Any claim for the expenses of support maintenance assistance and burial of an indigent person held by any public body or public agency shall have the same force and effect against the real estate of a deceased indigent person as other debts of a decedent and shall be ascertained and recovered in the same manner

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend Sec. 1 (Sec. 4), page 2, line 19, by striking out the word: SC "and" amend Sec. 1 (Sec. 4), page 2, line 20, by striking out the following: SC the light-faced brackets before the word "and" and after the word "burial" amend Sec. 1 (Sec. 4, page 2, lines 27 and 28, by striking out the following: SC "which exemption shall continue only during the life of the indigent person"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons public cared for or assisted providing for the support of such persons by certain relatives and for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such persons

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the bill?

OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 47, just read and amended, go over in its order.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 90, as follows:

An Act relating to chicks and ducklings prohibiting the artificial coloring and sale thereof and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any individual copartnership association or corporation to artificially color or cause to be artificially colored the whole or any part of any chick or duckling

Section 2 It shall be unlawful for any individual copartnership association or corporation to sell barter transfer or give away any artificially colored chick or duckling

Section 3 Any individual copartnership associaiton or corporation who shall violate any provision of this act shall be guilty of a misdemeanor an dupon conviction thereof shall be sentenced to pay a fine of twenty-five dollars ($25) for each such offense and in default of the payment thereof such individual or the partners of such copartnership or the members of such association or the officers or directors of such corporation responsible for the violation of this act so convicted may be sentenced to imprisonment for not more than thirty (30) days or both fine and imprisonment may be imposed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, with regard to those little chicks, I am just a little bit worried about this bill, as to whether it will have any effect on my operations. I notice that the colors of chickens are changing daily and I wonder if I will be effected by it. I am not concerned with ducklings. Will not the sponsor of the bill enlighten the members of the Senate on the question?

Mr. EROE. Mr. President, the color is changed artificially, not naturally.

Mr. SHAPIRO. Mr. President, these chickens blush occasionally, and I do not know whether they come under the bill or not.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 197, as follows:

An Act to further amend sections three hundred eleven three hundred fourteen three hundred seventeen three hundred twenty three hundred twenty-one three hundred twenty-two and three hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the definition of county employe to include county institution district employes authorizing the board to employ persons and fix salaries providing for appropriations by institution districts providing for discontinuation of allowance to disabled employes in certain cases and further regulating retirement payments and reinstatement of former employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred eleven of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 191) and the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2613) is hereby further amended to read as follows

Section 311 "County Employes" Defined A county employe for the purpose of this subdivision of this act is any person employed by the county or by the county institution district or by any county workhouse and inebriate asylum or by the county retirement system at a wage or salary payable at stated intervals that is to say semi-monthly monthly quarterly or annually The term may at the option of the Retirement Board include any person elected by the vote of the people In all cases of doubt the Retirement Board shall determine who is an employe within the meaning of this act

Section 2 Section three hundred fourteen of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eighty-four) is hereby further amended to read as follows

Section 314 Treasurer and Secretary of Board Power of Board to Employ Persons The county treasurer shall be the treasurer of the board and shall give such bond for the proper performance of his duties as is required by the board The premium on said bond shall be paid from the retirement fund on warrants of the board The treasurer shall receive for his services the sum of one hundred dollars ($100.00) per annum from the retirement fund payable on warrants of the board The county controller shall be the secretary of the board

The retirement board shall have the power and authority to employ fix the salaries or wages of and pay from the retirement fund on warrants of the board one retirement clerk and one solicitor

Section 3 Section three hundred seventeen of said act as amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 191) is hereby further amended to read as follows

Section 317 Appropriations to Retirement Fund The county commissioners shall prior to February fifteenth of each year appropriate out of county taxes and institution taxes of said county and county institution district a certain sum of money which shall be equal to the amount paid in by employes of said county county institution district workhouse and inebriate asylum and county retirement system The county and county institution district shall pay into the fund the full amount of their appropriation on or before December thirty-first of each year The portion of such sum to be paid by the county and the county institution district into such fund shall be such part thereof as the amount paid by the employes of such county including the workhouse and inebriate asylum and county retirement system employes or county institution district bears to the total amount paid into the retirement fund by the respective employes

Section 4 Section three hundred twenty of said act as amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 191) is hereby further amended to read as follows

Section 320 Persons Entitled to Retirement Allowances Every county employe who has reached the age of sixty years or upwards and who shall have been a county employe during a period of not less than twenty years shall upon application to the board be retired from service and shall thereafter receive during life a retirement allowance as herein provided for The time spent in the employ as a county employe need not necessarily have been continuous Provided That when any employe has had twenty or more years of service not necessarily continuous and has reached the age of fifty years and shall be or shall have been separated from the service by reason of no cause or act of his own upon application to the board shall

thereafter receive during life a retirement allowance as herein provided for

Section 5 Section three hundred twenty-one of said act as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 191) is hereby further amended to read as follows

Section 321 Exception in Favor of Persons Totally and Permanently Disabled Any present county employe who has been in employ for a period of not less than fifteen years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled even though such employe has not reached the age of sixty years

Any county employe entering employment after the effective date of this act who shall be employed for a period of not less than twenty years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled even though such county employe has not reached the age of sixty years

Proof of total and permanent disability shall be by the sworn statement of three practicing physicians of the county designated by the board Once each year the Retirement Board may require any person who is receiving retirement allowance by reason of total and permanent disability to undergo medical examination by a physician or physicians designated by the Retirement Board Should such physician or physicians thereupon report and certify to the Retirement Board that such person is no longer totally and permanently disabled or that such person is able to engage in a gainful occupation and should the Retirement Board concur in such report then the amount of the Retirement allowance shall be discontinued

Section 6 Section three hundred twenty-two of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 840) is hereby further amended to read as follows

Section 322 Amount of Retirement Payment The retirement allowance paid under the provisions of this act shall equal annually fifty per centum of the average annual amount received by the employe as salary or wages during the two years immediately preceding the date of retirement of the employe receiving the retirement allowance except that an amount not exceeding ten per centum thereof shall be deducted in equal monthly installments and be paid into the retirement fund as the contribution to the said fund of the person receiving such retirement allowance from time to time as may be determined by the retirement board No retirement allowance shall exceed the sum of one hundred dollars per month Retirement allowances shall be paid in monthly installments on warrant on the board

Section 7 Section three hundred and twenty-five of said act as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 191) is hereby further amended to read as follows

Section 325 Reinstatement and Requirements for Credit for Previous Service Should any county employe who has withdrawn his contribution paid into the retirement fund desire to be reinstated and again become a member thereof he or she may do so by payment in full of the amount withdrawn with interest at the legal rate the said interest to be computed from the date of withdrawal to the date of repayment Both principal and interest shall be paid into the retirement fund at one time and in one amount In addition each such county employe shall pay the assessments provided for in section three hundred and eighteen of this act Any county employe who desires to be given credit for previous service in the employ of the county as an elected or appointed employe or official where such service was rendered to the county at a time when a retirement system was not in existence or when such employe was not a member of the county retirement system shall make application to the Retirement Board and upon approval thereof shall pay into the retirement fund a sum equal to twice the payment which such employe would have made had the retirement system been in effect or had such person been a member thereof and had the payments been made in accordance with the provisions of this act In addition thereto interest at the legal rate shall be paid from the date when the said monthly payment would have been made Thereafter such county employes shall make monthly payments in accordance with the provisions of section three hundred and eighteen of this act

Section 8 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 253, as follows:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" increasing share of full-time teachers' salaries to be paid by Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws and general or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-eight of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Nineteen Of the salaries herein provided for full-time teachers supervisors principals and all other full-time members of the teachers and supervisory staff in the public schools of the Commonwealth the Commonwealth shall pay for the biennium year beginning June first one thousand nine hundred and twenty-three and each biennium year thereafter to such school districts as comply with the laws governing the public schools of the Commonwealth for the payment of the salaries of each of said persons employed therein as shown by the certificate herein required to be filed with the Superintendent of Public Instruction in the November immediately preceding any such biennium year as follows In school districts of the first class for each member of the teaching and supervisory staff thirty per centum (30%) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the second and third class for each member of the teaching and supervisory staff forty per centum (40%) of the annual minimum salary prescribed herein for elementary teachers in such districts except that where such districts are organized upon a quarterly basis and the schools thereof are being operated and kept open throughout the entire twelve months of the school year the Commonwealth shall pay for each member if the teaching and supervisory staff so employed in such districts fifty-three and one-third per centum (53 1/3%) of the annual minimum

salary prescribed herein for elementary teachers in such districts in school districts of the fourth class for each member of the teaching and supervisory staff fifty-five per centum (55%) of the annual minimum salary prescribed herein for teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the first second and third class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be eighty per centum (80%) of the annual minimum salary prescribed herein for elementary teachers in such districts and that the amount paid to a school district of the first second and third class which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty-five per centum (65%) of the annual minimum salary prescribed herein for elementary teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be eighty per centum (80%) of the annual minimum salary prescribed herein for teachers in such districts and that the amount paid to a school district of the fourth class which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty-five per centum (65%) of the annual minimum salary prescribed herein for teachers in such districts Provided That where any member of the teaching or supervisory staff receives less salary than the minimum salary prescribed by the foregoing salary schedule for the class of district in which he is teaching there shall be paid to the district a corresponding per centum of the salary paid to such person Provided further That in districts of the first second third and fourth classes the minimum salary of part-time teachers supervisors and principals employed in the extension schools and classes of the Commonwealth established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes shall be one dollar ($1.00) per hour the minimum annual increment in salary in such extension schools and classes shall be thirty cents ($.30) per hour the minimum number of such annual increments shall be two (2) And provided further That for each part-time member of the teaching and supervisory staff employed by any school district in extension schools and classes approved by the Department of Public Instruction established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes the Commonwealth shall pay to the several districts the same per centum of the minimum salary herein required to be paid to part-time teachers in such extension schools and classes as is paid to such districts of the minimum salary of the full-time teachers And provided further That for each full-time teacher of a special class and for each full-time supervisor or principal of special schools or classes organized by any school district and approved under legislation providing for the special education of physically or mentally handicapped pupils there shall be paid to the district in addition to other payments herein provided sums as follows To districts of the first class thirty per centum (30%) and to other districts thirty-five per centum (35%) of the minimum salary respectively prescribed herein for elementary teachers in such respective districts and for each part-time teacher supervisor or principal employed in approved special education a fraction of such amounts proportional to the time for which such person is employed And provided further That the total amount paid to any school district on account of any such teacher supervisor or principal employed in special education shall not exceed eighty per centum (80%) of the salary actually paid to such person Provided further That the Superintendent of Public Instruction shall annually apportion to each fourth class district the sum of two hundred dollars ($200) for each school permanently closed or discontinued in such district since nineteen hundred eleven or which may hereafter be permanently closed or discontinued or which was heretofore permanently closed or discontinued under the provisions of the act of April twenty-fifth one thousand nine hundred and one (Pamphlet Laws 105) entitled "An act to provide for the centralization of township schools and to provide high schools for townships" and all payments heretofore made by the Commonwealth and all requisitions and warrants heretofore drawn for payments for schools permanently closed or discontinued under the provisions of said act are hereby ratified validated and declared legal And provided further That in addition to the payments herein provided on account of members of the teaching and supervisory staff employed in any school district and on account of schools permanently closed or discontinued in any district each district shall receive its proportionate share of the minimum salaries required to be paid to such additional members of the teaching and supervisory staff as may have been employed subsequent to the certificate to the Superintendent of Public Instruction in the November previous to the biennium year and its apportionment as herein provided for additional schools permanently closed or discontinued subsequent to such certificate Payments required by this proviso shall be made after certificate to the Superintendent of Public Instruction in the November of the biennium year in addition to the last quarterly payment of the biennium as hereinafter provided

The true valuation per teacher for each district shall be determined by the State Council of Education on data and material submitted by the officers of such district in the annual report to the Superintendent of Public Instruction if such data and material shall after investigation by the State Council of Education be found correct otherwise upon such data and material as modified corrected and approved by said Council of Education The true valuation per teacher shall be found by dividing the true valuation of the district by the number of full time teachers which number shall include all teachers principals supervisors and superintendents employed in the vocational and non-vocational schools of the district for the year covered by such report which number in districts of the fourth class shall also include one teacher for each teacher who at the time of the closing of any school in such district subsequent to June first one thousand nine hundred and twenty-three not since reopened was employed in such school The true valuation of the taxable property of each school district shall be obtained by dividing the amount of the assessed valuation certified in the annual report of the district for the school year ending June thirtieth one thousand nine hundred and twenty-two and every second year thereafter as corrected and approved by the State Council of Education after investigation by the average rate of assessment certified in such annual reports for the three years immediately preceding the date on which such true valuation is determined as corrected and approved by the State Council of Education after investigation The true valuation of each school district for the two fiscal years beginning on June first one thousand nine hundred and twenty-five and ending May thirty-first one thousand nine hundred and twenty-seven and for each biennium thereafter shall be determined during the month of October one thousand nine hundred and twenty-four and in the month of October of every second year thereafter The State Council of Education is hereby given full power and authority to make such investigations to take such action and to institute such proceedings as may be necessary to determine any of the questions that may be raised in the determination and adjustment of the aforesaid true valuations and the decisions which such council reaches in such questions shall be final and conclusive

Section 2 The provisions of this act shall become effective on the first day of June one thousand nine hundred forty-one and shall apply to reimbursements made for the fiscal year one thousand nine hundred forty one thousand nine hundred forty-one and succeeding years

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GILSON. Mr. President, I ask unanimous consent that Senate Bill No. 366, on second reading, entitled:

An Act to further amend section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers dening the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 374, as follows:

An Act relating to the licensing of dogs trained to aid blind persons without the payment of a license fee

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 If the application for a dog license shall disclose and the issuing authorities be satisfied that the dog for which the license is sought is a so called "seeing-dog" trained to aid the blind and actually in use for such purpose the license therefor shall be issued without the payment of any fee and the issuing authorities shall inscribe across the face of such license in red ink the word "seeing-dog"

Section 2 The provisions of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" and the amendments thereto are hereby repealed in so far as they are inconsistent with the provisions of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 547, as follows:

An Act to further amend section one of the act approved the third day of May one thousand nine hundred and twenty-three (P. L. 134) entitled "An act making the proceedings of the conventions of the Department of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the State and providing for their publication and distribution by imposing the duty of printing such proceedings on the Department of Property and Supplies" by extending the provisions of the act to the Society of the Twenty-eighth Division A E F

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the third day of May one thousand nine hundred and twenty-three (P. L. 134) entitled "An act making the proceedings of the conventions of the Department of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the State and providing for their publication and distribution by imposing the duty of printing such proceedings on the Department of Property and Supplies" as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 680) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the department commanders of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion the Disabled American Veterans of the World War and the Society of the Twenty-eighth Division A E F shall report to the Department of Property and Supplies the proceedings of the annual encampment or conventions of their respective departments with such general and special orders and circulars and other data which may form a part of said proceedings then the said proceedings so reported shall be considered State records and under the direction of the Department of Property and Supplies shall be printed and bound and a printed and bound copy thereof shall be sent to each post in the Commonwealth of Pennsylvania of the organization of whose proceedings the same is a report

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 613, as follows:

An Act to amend section two hundred one and to repeal clause (b) of section three hundred eleven as amended of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety

regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" by including the Western State Psychiatric Hospital and the Philadelphia State Hospital under the provisions of said act and eliminating certain provisions relating to the commitment of male defective criminals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" is hereby amended to read as follows

Section 201 Mental patients in the Commonwealth shall be cared for

(a) In the following existing State hospitals Allentown State Homeopathic Hospital Danville State Hospital Farview State Hospital Harrisburg State Hospital Norristown State Hospital Warren State Hospital Torrance State Hospital Western State Psychiatric Hospital Philadelphia State Hospital and Wernersville State Hospital the Laurelton State Village Pennhurst State School and Polk State School

(b) In the semi-State institution known as Dixmont Hospital

(c) In such semi-State county municipal incorporated district or private institution or places as shall have procured from the department licenses as provided for in this act Provided That the authorities of general hospitals may set apart or establish beds wards or departments for the temporary care of mental patients under such conditions as may be approved by the department but no mental patient shall be admitted for care to any almshouse poorhouse prison or other place except a general hospital unless such almshouse poorhouse prison or other place shall have a license for such purpose from the department

(2) It shall be unlawful for the persons in charge of any institution or place within the jurisdiction of the department whether incorporated or nonincorporated except State institutions to care for any mental patients without having obtained from the department on or before the first day of January one thousand nine hundred and twenty-four and annually thereafter a license authorizing such institution or place to care for mental patients Provided however That any incorporated institution in existence when this act takes effect shall have the right by petition to appeal to the court of common pleas of the county in which the institution is situated from the order of the department refusing to grant licenses to such corporation and thereupon said courts shall determine whether the order of the department is reasonable and shall either dismiss the petition or make such order governing the act of the department in the premises as it shall deem wise

Section 2 Clause (b) of section three hundred eleven of said act as amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 973) is hereby repealed absolutely

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 614, as follows:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" as amended fixing the cost of maintenance for private or full-pay patients transferred from State-owned mental hospitals to the Western State Psychiatric Hospital

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1947) is hereby further amended by adding thereto after section three a new section to read as follows

Section 4 All patients who are classified as private or full-pay patients transferred from the State-owned mental hospital to the Western State Psychiatric Hospital shall pay only the per capita cost of maintenance which they paid at the hospital from which transferred or which applies to the hospital serving the district in which such patients have a legal residence

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 672, as follows:

An Act to amend section two of the act approved the eleventh day of July one thousand nine hundred and seventeen (Pamphlet Laws 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children and providing a penalty for the violation thereof" as amended providing that agencies importing children into the Commonwealth shall give such guarantee to the Department of Welfare as it may require

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the eleventh day of July one thousand nine hundred and seventeen (Pamphlet Laws 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children and providing a penalty for the violation thereof" as amended by the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 1027) is hereby further amended to read as follows

Section 2 Such person corporation association or institution before bringing or sending or causing to be brought or sent any such child into this State shall first give an indemnity bond in favor of the State of Pennsylvania in the penal sum of one thousand dollars to be approved by the Department of Welfare and such other guarantee to the Department of Welfare as it may require conditioned as follows That they will not send or bring or cause to be brought or sent into this State any child that is incorrigible or one that is of unsound mind or body that they will at once upon the placement of such child report to the Department of Welfare its name and age and the name and

residence of the person with whom it is placed that if any such child shall before it reaches the age of twenty-one years become a public charge they will within thirty days after written notice shall have been given them of such fact by the Department of Welfare remove such child from the State and if any such dependent child shall be convicted of crime or misdemeanor and imprisoned within three years from the time of its arrival within the State such person corporation association or institution will removed from the State such child immediately upon its being released from such imprisonment and upon failure after thirty days' notice and demand to remove any such child who shall have either become a public charge as aforesaid or who shall have been convicted as aforementioned in either event such person corporation association or institution shall at once and thereby forfeit the sum of one thousand dollars as a penalty therefor to be recovered upon such bond by a suit in the name of the State of Pennsylvania that they will place or cause to be placed each of such dependent children under written contract which will secure to such child a proper home and will make the person so receiving such child responsible for its proper care education and training that they will properly supervise the care and training of each of such children and that each of such children shall be visited at least twice a year by a responsible agent of the person corporation association or institution so placing or causing to be placed such child as herein provided that they will make to the said department such reports of their work as said department from time to time may require

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 768, (House Bill No. 771), on second reading, over in order.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 768, (House Bill No. 771), entitled:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made

The first section of the bill was read as follows:

Section 1 Sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by the act approved the eighteenth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 38) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person association partnership or corporation may enter into an agreement with and borrow funds from a production credit association organized under the Farm Credit Act of one thousand nine hundred and thirty-three a Regional Agricultural Credit Corporation the Reconstruction Finance Corporation or the Government of the United States or any department agency or officer thereof a Federal Intermediate Credit Bank or any institution which has made arrangements to discount therewith or from any national or state bank or trust company and to procure funds therefrom on the security of the obligations of the borrower and the repayment of any funds so borrowed or of any then existing indebtedness to any such institution may be evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon livestock farm machinery or farm equipment or upon any crop or crops annual or perennial including fruit crops grown or growing either already planted or to be planted and maturing within one year from date of the execution of such mortgage and any cooperative association of farmers acting together in collectively processing preparing for market handling or marketing the farm products of persons so engaged or in which farmers act together in collectively purchasing testing grading or processing their farm supplies Provided however that such associations are operated for the mutual benefit of the members thereof as such producers and purchasers may enter into an agreement with and borrow funds from any bank for cooperatives organized under said Farm Credit Act of one thousand nine hundred and thirty-three or from any Federal Intermediate Credit Bank organized under said Agricultural Credits Act of one thousand nine hundred and twenty-three or from any national or state bank or trust company and the repayment of any funds so borrowed or of any then existing indebtedness to any such institution may be evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon any chattels of any kind or description including fixtures owned by such association or upon any interest which such association may have in any such chattels or fixtures For the purposes of this act all such chattels crops and fixtures shall be deemed to be personal property and mortgagable as such Such mortgage shall be a lien against the chattels and crops thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed The lien of any mortgage on crops executed in pursuance of the provisions of this act shall be superior to any mortgages or judgments of any other liens or encumbrances upon the land upon which any such crop has been so seeded or may be growing and any sale made under any mortgage or judgment or other lien or encumbrance upon such land before such crop has been severed shall be made subject to the lien on said crop as provided for in this act provided however that the provisions of this act shall not in any manner whatever affect any mortgage judgment or other lien or encumbrance upon the land recorded prior to the approval of this act Such mortgages must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds No chattel mortgage of livestock and hay grain or any other feed stuffs shall be invalid because provision is contained therein that the mortgagor may use and consume such feed stuffs in preserving and preparing for market the livestock covered thereby Provisions contained in such chattel mortgages that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at its option within a period of three years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the

time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described and all increase of animals and livestock of all kinds shall be valid and binding

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend page 1, line 1, of the title by striking out, after the word "one" and before the word "two," the word S "[and];" amend page 1, line 1, of the title by inserting after the word "two" and before the word "of," the following: S "three, four and five;" amend page 1, line 12, of the title by adding at the end thereof, the following: S "and by adding thereto provisions preserving the lien of chattel mortgages against bailment leases and conditional sale agreements under certain conditions and providing for the filing indexing and docketing of such chattel mortgages in lieu of recordation and providing additional methods for foreclosure of such chattel mortgages;" amend Section 1, page 2, line 1, by striking out after the word "one" and before the word 'of" the words: S "[and two];" amend Section 1, page 2, line 26, by inserting after the word "bank" and before the word "or" the words: S "private bank," amend Section 1, page 3, line 21, by inserting after the word "bank" and before the word "or" the words: S "private bank;" amend Section 1, page 4, line 3, by striking out after the word "lien" and before the word "the" the word: S "[against]" and insert in lieu thereof the word: 'upon;" amend Section 1, page 4, line 4 by inserting after the word "shall" and before the word "be" the following: S "upon the filing thereof as hereinafter directed;" amend Section 1, page 4, lines 5 and 6, by striking out after the word "creditors" and before the word "the," the following: S "[upon the recording thereof as hereinafter directed]" and inserting in lieu thereof the following: "and against any bailors or conditional vendors retaining title to livestock farm machinery or farm equipment not in their possession under any bailment lease or conditional sale agreement either prior or subsequent in time to the chattel mortgage unless prior to the time such chattel mortgage is filed such lease or agreement shall have been properly filed in the prothonotary's office of the county in which said livestock farm machinery or farm equipment is actually located at the time such chattel mortgage is made;" amend Section 1, page 4, lines 10 and 11, by striking out after the word "crop" and before the word "and," the following: S "[has been so seeded or may be growning]" and inserting in lieu thereof the following: is grown growing or to be grown" Amend Section 1, page 5, line 11, by striking out after the word "the" and before the word "of" the word: S [recording]" Amend Section 1, page 5, line 14, striking out after the word "and" and before the word "and" the word: S [encumbrances] and inserting in lieu thereof the word: encumbrancers

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgages and such recorder is hereby required to index and to record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder the following fees for recording each chattel mortgage one dollar ($1.00) for noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five (25c) cents for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (25c) Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended for an additional period of five years by the filing with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Section 2, page 5, by striking out lines 19 to 28, inclusive; amend Section 2, page 6, by striking out lines 1 to 28, inclusive; amend Section 2, page 7, by striking out lines 1 to 2, and inserting in lieu thereof the following: S "Section 2 That section two of the said act is hereby amended to read as follows: Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be [recorded] filed in the office [for the recording of deeds] of the prothonotary for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgage and may be refiled in any county to which they may be removed with the consent of the mortgagee and such [recorder] prothonotary is hereby required to [index and to record the same at length] mark upon the instrument filed the day and hour of filing and docket such instrument in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" [and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate] and he shall alphabetically index such chattel mortgage in the names of the mortgagor and mortgagee setting forth in the docket the date and time of the filing of the instrument the amount advanced and the limit thereof and a brief description of the chattels described therein and the crops affected and the property on which said chattels and crops

are located and he shall retain the instrument in his office for public inspection and such [recorder] prothonotary shall be entitled to charge and receive for services rendered hereunder the folowing fees for [recording] indexing docketing and filing each chattel mortgage seventy-five cents (75c) for noting assignment on the margin of the page on which the chattel mortgage is [recorded] docketed twenty-five (25c) cents for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is [recorded] docketed twenty-five cents (25c) and for certifying copies of any instrument filed hereunder twenty-five cents (25c) provided however that the prothonotary shall certify one copy furnished by the person filing the instrument at the time such filing without charge Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of [recording] filing as herein provided and in case of more than one chattel mortgage the first [recorded] filed shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended for an additional period of five years by the filing with the [recorder of deeds] prothonotary of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien A notation of the filing of such affidavit and extension of lien shall be made on the margin of the [original record of the chattel mortgage in the office of the recorder of deeds] page of the book on which the chattel mortgage is docketed".

Section 3 That section three of the said act is hereby amended to read as follows: "Section 3 Any chattel mortgage executed under and pursuant to this act may be assigned by an instrument in writing signed and acknowledged by the mortgagee his or its [agent or] assignee or duly authorized agent and upon presentation of such assignment to the [recorder of deeds] prothonotary in the office in which the chattel mortgage is [recorded] docketed such [recorder] prothonotary shall index and file the same and note on the margin of the page [in] on which the chattel mortgage is [recorded] docketed the fact of the assignment the date of the notation the name of the assignor the name of the assignee and the address of each the date assignment and the amount of the debt as of the date of the assignment and such assignment shall except as to the parties thereto take effect and be valid only from the time of the marginal notation as herein provided Any such chattel mortgage may be released by an instrument in writing signed and acknowledged by the mortgagee its assignee or a duly authorized attorney or agent of such mortgagee or assignee and upon presentation of such release in the office of the [recorder of deeds] prothonotary where the chattel mortgage is [recorded] docketed the [recorder] prothonotary shall index and file the same and note the fact of such release and the date thereof on the margin of the page of the book [where] on which the chattel mortgage is [recorded] docketed and when so noted such release shall fully and effectuallly release the lien of such mortgage".

Section 4 That section four of the said act is hereby amended to read as follows: "Section 4 Upon default of any of the terms and covenants of any chattel mortgage executed in accordance with the provisions of this act the mortgagee its assignee or duly authorized attorney or agent of such mortgagee or assignee shall have the right without process of law immediately to take possession of the mortgaged property and do all things necessary to preserve the same and any expense incurred in connection therewith shall be included in and secured by the lien of said chattel mortgage And this right shall be in addition to any and all other rights inuring to the benefit of the mortgagee or its assignee Such chattel mortgages upon default by the mortgagor in the payment of the mortgage debt [and] either as to principal or interest or [the covenants] default in any covenant in the chattel mortgage contained may be foreclosed either in the method provided by law to foreclose a real estate mortgage or by the entry of judgment on the bond or bonds secured by the chattel mortgage the lien of which judgment shall relate back to the date of the filing of the chattel mortgage whereupon execution may issue and the mortgaged chattel or chattels may be sold in the same manner and under the same conditions as is now or may hereafter be authorized by the laws of this Commonwealth in the case of personal property sold under execution".

Section 5 That section five of the said act is hereby amended to read as follows: "Section 5 Unless otherwise expressly provided by such chattel mortgage the mortgagor shall be entitled to retain possession of the mortgaged chattels and crops until default under the terms of his agreement but a removal of the mortgaged chattels or crops after harvest from the county in which they were actually located at the time of the execution of the mortgage shall be deemed a default unless expressly waived or consented to by the mortgagee or his duly authorized agent or assignee and the lien of the mortgage shall not be extinguished or impaired by the removal of the mortgaged property from the county in which the mortgage is [recorded] filed without such waiver or consent".

"Section 6 All acts or parts of acts inconsistent herewith are hereby repealed."

"Section 7 This act shall become effective immediately upon final enactment."

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made

And said bill as amended having been read at length the second time and agreed to:

Ordered, That said bill be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 790, as follows:

An Act to further amend the title and sections one and three of the act approved the tenth day of April one thousand nine hundred thirty-one (Pamphlet Laws 23) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" by placing the memorial under the supervision and control of the Pennsylvania Historical Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections one and three of the act approved the tenth day of April one thousand nine hundred thirty-one (Pamphlet Laws 23) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" as amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-five (Pamphlet Laws 55) are hereby further amended to read as follows

An Act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for the improvement and maintenance thereof by the Commission and authorizing the Commission to make rules and regulations for the preservation and visitation thereof providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth hereby accepts free and clear of all encumbrances except reservations of oil gas and minerals any grant of lands by the American Petroleum Institute of not less than one-half and not more than one hundred and fifty acres with the improvements thereon located on either or both banks of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County upon which is the site where Colonel Edwin L Drake drilled the first successful oil well in the world in the year one thousand eight hundred and fifty-nine to be hereafter used as a public park and as a memorial to Colonel Drake and the petroleum industry The said park and memorial shall be known as the Drake Well Memorial Park

The acceptance of said grant shall be completed upon delivery to the Commonwealth of a deed in fee simple (subject to reservation if any of oil gas and minerals) approved by the Attorney General

Said property after its acceptance shall be under full control and supervision of the Pennsylvania Historical Commission subject however to the aforesaid reservations and the said Commission shall have the power to adopt and carry into effect plans for the improvement and maintenance of the Park and to make and enforce rules and regulations for the preservation of the park and the visitation thereof by the public The Department of Forests and Waters shall at all times cooperate with the Pennsylvania Historical Commission in developing the forest resources of said lands

Section 2 Section three of said act is hereby amended to read as follows

Section 3 The Pennsylvania Historical Commission is hereby authorized subject to its approval to permit the donor of such property to erect structures upon and to make improvements to such property after the same has been accepted by the Commonwealth and to accept such structures and improvements on behalf of the Commonwealth and to use the same in connection with and for the protection of such park and memorial

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 797, as follows:

An Act to further amend the title and section one of and to add section three to the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts p 32) entitled as amended "An act authorizing the Department of Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and making an appropriation" by transferring the control management supervision restoration and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts p 32) entitled as amended "An act authorizing the Department of Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and make an appropriation" as amended by the act approved the eleventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 322) are hereby further amended to read as follows

An Act authorizing the Department of Forests and Waters to acquire repair and restore the birthplace of John Morton in the borough of Prospect Park providing for the control management supervision and maintenance thereof by the Pennsylvania Historical Commission authorizing the Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Forests and Waters with the approval of the Pennsylvania Historical Commission shall arrange for the purchase and acquisition in the name of the Commonwealth of the birthplace of John Morton in the borough of Prospect Park and for the repair and restoration thereof The department shall have power to enter into any and all contracts deemed necessary to carry into effect the provisions of this act The amount of land purchased and acquired under the

provisions of this act shall be in the discretion of the department

Section 2 Said act is hereby amended by adding after section two a new section to be known as section three and to read as follows

Section 3 The Pennsylvania Historical Commission shall have full control management and supervision of the birthplace of John Morton in the borough of Prospect Park and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the said memorial and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 801, as follows:

An Act to further amend the title and sections three and four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1667) entitled as amended "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof by the Department of Forests and Waters authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission removing the Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission appointed by the Governor from the Board of Trustees of the endowment fund and adding to said board the members of the Pennsylvania Historical Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1667) entitled as amended "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof by the Department of Forests and Waters authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" as amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 50) are hereby further amended to read as follows

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof by the Pennsylvania Historical Commission authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor

Section 3 Pennsylvania Historical Commission shall have full control management and supervision of the Conrad Weiser Memorial Park and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the park and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

Section 2 Section four of said act as amended by the act approved the fifteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1003) is hereby further amended to read as follows

Section 4 Upon transfer of the perpetual endowment fund the Governor Auditor General State Treasurer in conjunction with the members of the Pennsylvania Historical Commission shall constitute a board of trustees for the care of such perpetual endowment fund and shall have power to invest the same in securities in which trust funds may legally be invested by fiduciaries under the laws of this Commonwealth and to employ the interest and income thereof to such uses as may have been specified by the donors of such fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 810, as follows:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for the construction or improvement of curbs sidewalks and roadways along the grounds and buildings thereof and to pay the amount agreed therefor out of their appropriations for support and maintenance or out of any appropriation made for such purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The boards of trustees of the several State institutions within the Department of Public Instruction may with the approval of the Superintendent of Public Instruction enter into agreements with the corporate authorities of the municipality or township within which the grounds and buildings of such institution are located for the construction or improvement of curbs sidewalks and roadways along or upon which such grounds and buildings abut and for the payment of any proportionate part of the cost thereof and to pay the amount so agreed upon to such municipality or township out of any moneys appropriated to the Department of Public Instruction for the maintenance and operation of such State institution or out of any other appropriation made for such purposes in the manner provided by law

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 817, as follows:

An Act to further amend section eleven of the act approved the seventeenth day of February one thousand nine hundred six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds to pre-

scribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury and repealing inconsistent acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the seventeenth day of February one thousand nine hundred six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds to prescribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" as amended by the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred eighty-one) is hereby further amended to read as follows

Section 11 The State Treasurer on the first business day of June September December and March shall render a statement of account to the Auditor General giving in detail the different sums which go to make up the grand total of the amount on that day in the State Treasury including moneys appropriated to the sinking fund Such statement shall include the names of banks banking institutions or trust companies with whom the public funds are deposited with the various amounts of such deposits and shall be verified by oath or affirmation of the State Treasurer and recorded in a book kept for that purpose in the Auditor General's office and such record shall be open for the inspection of the Governor heads of departments members of the Legislature or any citizen of the State desiring to inspect the same and shall be correctly published in not more than six newspapers one of which shall be published at Harrisburg to be selected by the Auditor General for general information payment of publication to be made from moneys in the State Treasury appropriated for this purpose

Section 2 Section eight of the act approved the ninth day of May one thousand eight hundred seventy-four (Pamphlet Laws one hundred twenty-six) as amended is hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 841, as follows:

An Act to amend the title and the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States of any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by authorizing the Authority to equip and furnish projects and the Commonwealth to lease as lessee such equipment and furnishings from the Authority and extending the other provisions of the act to include such equipment and furnishings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" is hereby amended to read as follows

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act

Section 2 Section two of the said act is hereby amended to read as follows

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean the body politic and corporate created by this act

(b) The term "Department" shall mean the Department of Property and Supplies as the same exists under the Administrative Code of one thousand nine hundred and twenty-nine or as it may exist by amendment of said code

(c) The term "project" shall mean any structure facility or undertaking which the authority is authorized to construct improve equip furnish maintain or operate under the provisions of this act

(d) The term "Board" shall mean the governing body of the authority

(e) The term "person" shall mean and include natural persons firms associations corporations business trusts partnerships and public bodies

(f) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any department of or corporation agency or instrumentality heretofore or here-

after created designated or established by the United States of America

(g) The term "bonds" shall mean and include the notes bonds and other evidences of indebtedness or obligations which the authority is authorized to issue pursuant to section 4 (i) of this act

(h) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(i) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable

(j) The terms "equipment" and "furnishings" shall mean and include any equipment and furnishings whatsoever as may be deemed desirable and required by the lessee of a project for the use and occupancy of such project and the terms "to equip" or "to furnish" shall mean and include the installation of such equipment and furnishings

Section 3 Section four of the said act as last amended by the act approved the eighth day of September one thousand nine hundred thirty-eight (Pamphlet Laws twenty-three) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving equipping furnishing maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the public schools State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and dams and improvements to river embankments (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve equip furnish maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair equipping furnishing maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however When projects are to be constructed improved equipped furnished maintained repaired or operated for the use of any department of the Commonwealth as hereinbefore listed in this section no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project the Department of Property and Supplies the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects so that the project will conform to standards established by these departments

Provided further That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties school districts or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties school districts or political subdivisions nor shall the Commonwealth or any city county school district or political subdivision thereof be liable for the payment or principal of or interest on such obligations

Section 4 Section five of the said act is hereby amended to read as follows

Section 5 Purposes and Powers Bonds The bonds of the authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board and shall be of such series bear such date or dates mature at such time or times not exceeding thirty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five per centum of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of such authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature

of the treasurer of the authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupons or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the authority (but not of the Commonwealth or any county or other political subdivision thereof) for such obligations or restricting the same to all or any of the revenues rentals or receipts of the authority from all or any projects or properties (b) the construction improvement operation extension enlargement equipping furnishing maintenance and repair of any project or projects and the duties of the authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the authority including limitations upon the power of the authority to modify any leases or other agreements pursuant to which any tolls rentals or other charges are payable (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

The authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any federal agency as security for such bonds and may assign and pledge all or any of the revenues rentals or receipts of the authority thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize including (but without limitation) provisions as to (i) the construction improvement operation equipping furnishing maintenance and repair of any project or projects and the duties of the authority with reference thereto (ii) the application of funds and the safeguarding of funds on hand or on deposit (iii) the rights and remedies of said trustees and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (iv) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 5 Section 9.1 of the said act which was added thereto by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws six hundred seventy-six) is hereby amended to read as follows

Section 9.1 Contracts to Lease and Leases by Department from Authority The department shall have power and authority with the approval of the Governor to enter into contracts with the Authority to lease as lessee from the Authority any or all of the projects undertaken by the Authority for a term with respect to each project constructed not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of the said projects the department shall have power and authority with the approval of the Governor to lease as lessee any or all of the projects completed by the Authority for a term with respect to each project leased not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority The department shall also have power and authority with the approval of the Governor to lease as lessee any equipment and furnishings from the Authority required for the use and occupancy of any project previously leased by the department where such prior lease did not include such equipment and furnishings

Section 6 Section eleven of the said act is hereby amended to read as follows

Section 11 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed equipped or furnished pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The authority may make rules and regulations for the submission of bids and the construction equipping furnishing or improvement of any project or portion thereof No contract shall be entered into for construction equipping furnishing or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the authority or otherwise than by contract

Subject to the aforesaid the authority may (but without intending by this provision to limit any powers of such authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the authority may deem desirable or as may be requested by any federal agency that may assist in the financing of such project or any part thereof

Section 7 Section fourteen of the said act is hereby amended to read as follows

Section 14 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction extension improvement equipping furnishing or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth does further pledge to and agree with the United States and any other federal agency that in the event that any federal agency shall construct or contribute any funds for the construction extension improvement equipping furnishing or enlargement of any project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or

improvement equipping furnishing or enlargement of any project or such portion thereof

Section 8 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. SCARLETT. Mr. President, I ask unanimous consent that Senate Bill No. 844, on second reading, entitled:

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No. 103) approved the twenty-eighth day of March one thousand nine hundred and thirty-nine prescribing its powers and duties and reappropriating the unexpended balance of an appropriation made to the Joint Legislative Commission created by Senate Concurrent Resolution (Serial No. 106) approved the sixteenth day of March one thousand nine hundred and thirty-seven.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 847, as follows:

An Act to further amend section eighteen (renumbered section seventeen) of the act approved the second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" exempting the obligations issued by land grant colleges

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eighteen of the act approved the second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended and renumbered section seventeen by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 633) is hereby further amended to read as follows

Section 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for state purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the niminal value thereof during the calendar year one thousand nins hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences or indetbedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every

subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes' thrift or savings association whether operated by employes or the employer or trust company nor to the scrip bonds certificates and evidences of indebtedness issued by any land grant college And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the tax imposed herein on any of such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 851, as follows:

An Act to amend section twenty-five of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further conditions of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the consolidation of the third class city general registers with the general register of boroughs towns and townships of the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-five of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners regstrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order with the duplicate registration cards of all other third class cities and all boroughs towns and townships within the county and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of all such [city] third class cities boroughs towns and townships and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 852, as follows:

An Act to amend section twenty-four of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of

registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for consolidation of all third class city general registers with the general register of the boroughs towns and townships of the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-four of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 24 General Register The duplicate registration cards for all boroughs towns and townships within the county shall be placed in exact alphabetical order with the duplicate registration cards of all third class cities within the county and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of all such third class cities boroughs towns and townships in the county and shall not be removed from the office of the commission except upon order of a court of record of the county wherein such third class city borough town or township is located

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 853, as follows:

An Act to amend Subsection (a of Section twenty-nine of the Act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred and forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissons commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers renal agents and boards of school directors imposing penalties and repealing existing legislation" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That Subsection (a) of Section twenty-nine of the Act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred and forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Concellation (a) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioners or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration

Section 2 This act shall become effective immediately upon its final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 854, as follows:

An Act to amend Subsection (a) of Section twenty-eight of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred and eighty-seven) entitled "An act to provide for the permanent personal registration of

electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That Subsection (a) of Section twenty-eight of the Act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred and eighty-seven (entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration

Section 2 This act shall become effective immediately upon its final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 859, as follows:

An Act to amend section three hundred and seven of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules and regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" removing the requirement that the Governor approve rules regulations and orders issued by the commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and seven of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to

the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations is hereby amended to read as follows

Section 307 Adoption of Rules Regulations and Orders The commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. GILSON. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 377, (House Bill No. 176), on second reading over in order.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 377, (House Bill No. 176), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

The first section of the bill was read as follows:

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-three (Pamphlet Laws 54) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any resident which as used in this section shall mean any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discontinued or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company and provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loans associations or to savings institutions having no capital stock and if at any time either now or hereafter any person individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or

any part thereof or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

On the question,

Will the Senate agree to the section?

Mr. GILSON. Mr. President, I move to amend page 6, line 9 by inserting after the word "company" and before the word "and" the following: S "nor to personal property held in the commercial department and owned in its own right by a banking institution saving institution or trust company in liquidation by a receiver trustee or other fiduciary it being the intent and purpose of this proviso that no tax be assessed or collected upon the personal property enumerated herein."

Mr. KUNKLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 Section 2 of the said act is hereby amended to read as follows

Section 2 That the board of revision of taxes or the commissioners of every county in this Commonwealth shall annually furnish the assessors of the several townships boroughs and cities of the respective counties with blanks to be prepared by them and it shall be the duty of each of said assessors to furnish a copy of the same to every taxable person copartnership unincorporated association joint-stock association and company limited partnership and corporation in his respective ward district borough or township or to any officer agent or employe found at the place of business of any such limited partnership or corporation in his ward district borough or township upon which blank each taxable person copartnership unincorporated association company limited partnership joint-stock association and corporation shall respectively make return annually of the aggregate amount of all the different classes of personal property made taxable by the first section of this act held owned or possessed by said person copartnership unincorporated association company limited partnership joint-stock association or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any but not all of which are domiciled in the same county return of such personal property shall be made in each county of this Commonwealth where any of the same are domiciled and there shall be paid in each such county that portion of the tax imposed upon such personal property so held owned or possessed as the number of such trustees agents or attorneys-in-fact domiciled therein bears to the total number thereof notwithstanding the residence of any beneficiary or the place where such personal property is kept

Section 3 The provisions of this act shall become effective immediately upon its final enactment and shall apply to all taxes payable during the year one thousand nine hundred and thirty-nine except to such as may already have been paid on the effective date of this act In all cases where any executor administrator or trustee has not made a return for the purposes of the tax payable during the year one thousand nine hundred and thirty-nine as required by this act such return shall be made within thirty days of the effective date of this act and the tax shall be levied by and paid to such county and as herein provided

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by defining clarifying and limiting certain exemptions imposing the tax upon the value of certain equitable interests personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and by making further pro-

vision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

And said bill as amended having been read at length the second time, and agreed to.

Ordered, To be transmitted for a third reading.

RECONSIDERATION OF AMENDMENT

Mr. SHAPIRO. Mr. President, I move that the vote by which this amendment to Senate Bill No. 377, (House Bill No. 176), was passed be reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I should like to suggest to the gentlemen who are assuming responsibility for the tax program that this may involve, in the way this amendment is worded, a considerable sum of money to the Revenue Department. There are a lot of closed banks and trust companies that are holding a lot of securities and they ought to pay taxes on them.

Mr. OWLETT. Mr. President, I am sorry—I was talking to my good friend and colleague, the Senator from Adams, Mr. Rice, and did not know this bill was being amended—I did not know which bill was being amended.

I just want to say to the Senator from Philadelphia, Mr. Shapiro, that this is House Bill No. 176, and the act, as it now reads, conforms exactly to the State Personal Property Tax Act, which has been passed and signed. The amendments which the Senator from Erie, Mr. Gilson, has now submitted were submitted to the State Tax Act also, and rejected by the Committee, and I ask the Senate to reject those amendments.

Mr. EDMONDS. Mr. President, may I ask the Senator from Tioga, Mr. Owlett, a question?

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. EDMONDS. Mr. President, how much is involved? As I understand it, this amendment strikes out property held by receivers and liquidators of closed banks.

Mr. OWLETT. Mr. President, that is correct, but the Department of Revenue was not able to estimate exactly, but it would involve several hundred thousand dollars at the very least, and it may be several millions of dollars, and there is no reason, as was explained to the committee, there is no reason why that personal property, merely because it was held by the receiver of a closed bank, should be exempt from a tax as long as other personal property is taxed.

Mr. EDMONDS. Mr. President, is the rule as to State liquidations the same as the ruling as to Federal liquidations?

Mr. OWLETT. Mr. President, I so understand.

Mr. EDMONDS. Mr. President, I was under the impression that there was one group that were exempt, and another group that were not exempt under this tax?

Mr. OWLETT. Mr. President, that may be, but in answer to the Senator's inquiry, that possibly is so; and I rather think it is, but as to national and state banks, nevertheless, the fact remains we have passed a State Personal Property Tax Act after having rejected that very amendment, and I think we will all agree that for the purposes of administration there ought not to be one set of exemptions in the State Act and another set in the County Act.

This act has been prepared to make the provision comply exactly with the provisions of the State Act.

Mr. GILSON. Mr. President, as has been indicated, the property held by trustees, receivers, and liquidators of state banks is involved, while subject to taxation, while those in national banks are not.

Now, the purpose of this amendment is to relieve the depositor who has an interest in those liquidating banks from the four mills personal property tax. I think it would have been and should have been proper to make amendments on the state four mills basis. I understand, and it may be perfectly natural, that Philadelphia, which has property in some of these banks, and would like to levy a tax of four mills upon the depositors have already lost money, hundreds of thousands of dollars for the benefit of Philadelphia county.

This can mean a small amount of tax as far as each separate county of the State is concerned, but it does mean a considerable amount to each liquidating bank. I can see no objection at all to the exemption applying to the four mill county tax which does not apply to the four mill state tax.

There is, perhaps, a mechanical advantage in having these two taxes identical, but it is not anything of extreme importance that they should be. I, personally can see no justice in requiring the depositors of a bank which has been closed, and which is under liquidation, paying this four mills county tax so far as the County of Erie is concerned, but we are particularly interested in the collection of the four mills county tax; they can see no particular advantage, it does not mean sufficient money; and I think the opposition to this, in so far as the county tax is concerned, is not a matter of grave concern to the State of Pennsylvania, it will not affect the revenue of the State of Pennsylvania one cent. The only revenue that is affected under this amendment will be revenue of the county of the state.

I can well realize that down in Philadelphia they have to dig and get money where ever they can, but I still insist that that is a mighty poor place to get a mighty small amount of money.

Mr. EDMONDS. Mr. President, I think I made a mistake a moment ago when I drew a distinction between national banks and states banks. As I understand it, where the state banks are being liquidated by the Secretary of Banking, this tax is not imposed; it is only imposed where the state bank is being liquidated by the trustees or a committee of stockholders. In that event I do not think it would affect Philadelphia one cent, because all their liquidation is through the Secretary of Banking. I would suggest to the Senator from Erie, Mr. Gilson, that he allow this bill to lie over, on second reading, so we may study this amendment and see what its implication might be.

Mr. GILSON. Mr. President, I will agree to that.

Mr. SHAPIRO. Mr. President, the ruling used may include a situation where a trustee or bank holds stock as a liquidating trustee, or pool, outside of where it is receiving income on behalf of other persons who are entitled to the interest on the bonds. The Courts have already held that State banks receivers can act as trustees for groups, and in any pool where a bank is trustee there

may be millions of dollars worth of bonds, the interest on which would not be subject to this four mill tax, and it does not make any difference whether it goes to the county or to the state, the matter is serious; and the amendment is so far reaching that no one can tell how much money is involved.

Mr. EDMONDS. Mr. President, my judgment would be with the Senator from Philadelphia, Mr. Shapiro, on that point; but that is not the point you want to reach, is it, Senator Gilson?

Mr. GILSON. No, Mr. President.

Mr. EDMONDS. I renew my suggestion that it lie over until tomorrow so that we can study its effect.

Mr. GILSON. Mr. President, that is agreeable.

The PRESIDENT. There is a motion before the Senate to reconsider the vote by which the amendment was passed.

MOTION TO RECONSIDER

Mr. SHAPIRO. Mr. President, I move that the vote by which this amendment was adopted be reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parialmentary inquiry.

Mr. OWLETT. Mr. President, as I understand it this bill is now on second reading without the adoption of these amendments; is that correct.

The PRESIDENT. That is correct.

Mr. OWLETT. Mr. President, I ask the Senator from Erie, Mr. Gilson, to withdraw his amendment for the present.

Mr. GILSON. Mr. President, I withdraw my amendments.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, in view of the suggestion of the Senator from Montgomery, Mr. Edmnods, I ask that Senate Bill No. 377, (House Bill 176), go over in its order.

The PRESIDENT. Is there any objections. The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 933, as follows:

An Act declaring certain restricted state hospitals to be general hosptials and within the limitations of their individual facilities open for the treatment of patients and cases which other general hospitals may treat

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The state hospitals hereinafter set forth which under existing laws are restricted as to the admission or acceptance of certain patients or certain types of cases are hereby declared to be general hospitals for the care and treatment of the acutely ill without any restrictions other than those now or hereafter imposed by law upon all general hospitals and except as each individual institution is retricted by the limitations of its facilities and equipment

Ashland State Hospital Ashland Pennsylvania
Blossburg State Hospital Blossburg Pennsylvania
Coaldale State Hospital Coaldale Pennsylvania
Connellsville State Hospital Connellsville Pennsylvania
Hazleton State Hospital Hazleton Pennsylvania
Locust Mountain State Hospital Shenandoah Pennsylvania
Nanticoke State Hospital Nanticoke Pennsylvania
Philipsburg State Hospital Philipsburg Pennsylvania
Scranton State Hospital Scranton Pennsylvania
Shamokin State Hospital Shamokin Pennsylvania

Section 2 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 980, as follows:

An Act to amend section fourteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended providing for an additional cause for vacating commissions of officers and warrant officers of the National Guard

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fourteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as last amended by the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 1213) is hereby further amended to read as follows

Section 14 Elimination and Disposition of Officers and Warrant Officers At any time the moral character capacity and general fitness for the service of any Pennsylvania National Guard officer or warrant officer may be determined by an efficiency board or court of inquiry of three commissioned officers senior in rank if possible to the officer whose fitness for service shall be under investigation appointed by the Governor in case of general officers and State Staff officers and the commanding general of a division in all other cases and if the findings of such board be unfavorable to such officer or warrant officer and be approved by the Governor he shall be discharged

Commissions of officers or warrant officers of the National Guard may be vacated (a) upon attainment of the age of sixty-four years (b) for physical or mental disqualification (c) for absence without leave for three months (d) upon the recommendation of an efficiency board (e) pursuant to sentence of a court-martial (f) if recourse has been had to the sureties or his bond in the settlement of his financial or property accounts (g) if he has been convicted of an infamous crime (h) upon withdrawal of Federal recognition (i) in the case of inactive officers upon failure to complete the necessary training in any one year as required by Federal law or regulations or failure to respond to communications or (j) for being over age in grade in accordance with regulations issued

and promulgated by the Secretary of War under the direction of the President of the United States

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 981, as follows:

An Act to amend paragraph one of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" as amended altering qualification requirements for the award of such medals and the specification and design thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph one of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the department of Military Affairs" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-five (Pamphlet Laws 225) is hereby further amended to read as follows

(1) The General Thomas J Steward Medal for excellence in drill attendance including summer training camp subsequent to January first one thousand nine hundred and twenty-six the detailed specification and design of which shall be selected by the Department of Military Affairs and medals shall be awarded and distributed in accordance with the provisions of Pennsylvania Military Regulations

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 236, (House Bill No. 239), entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 237, (House Bill No. 259), entitled:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" as amended by eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 291, (House Bill No. 342), entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for noncompliance therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 359, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven; and validating the liens of such taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 381, (House Bill No. 284), entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of ex-

ecutors, administrators, guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate, legacies, including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries, the rights powers and liabilities of nonresident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended, providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 384, (House Bill No. 349), entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 393, (House Bill No. 298), entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 313), entitled "An act to enable cities of the first, second and second class A incorporated towns, boroughs and townships of the second class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto, providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 439, (House Bill No. 300), entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 506, entitled:

An Act to amend section four hundred and eleven of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws", giving owner of mansion house divided by county line, right to choose situs of assessment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 520, (House Bill No. 299), entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 523, (House Bill No. 664), entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 565, (House Bill No. 285), entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto", by providing for the election of auditors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 568, (House Bill No. 616), entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 570, (House Bill No. 762), entitled:

An Act to amend subdivision heading (i) of article eleven and section one thousand one hundred forty of the act approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 571, (House Bill No. 822), entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 573, (House Bill No. 890), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 577, (House Bill No. 902), entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one, (Pamphlet Laws 1206) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 578, (House Bill No. 1068), entitled:

An Act to further amend section five hundred thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the method of filling vacancies in boards of commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 584, entitled:

An Act to repeal section two of the act approved the first day of April, one thousand seven hundred and ninety-seven (3 Smith's Laws, 294), entitled "An act to regulate the manner of selling loaf bread, and to repeal certain existing laws respecting the same."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 601, (House Bill No. 559), entitled:

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns or townships or any combination thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 621, (House Bill No. 487), entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to etablish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith" changing qualification for sabbatical leaves of absence for certain employes of school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 625, (House Bill No. 680), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 626, (House Bill No. 710), entitled:

An Act relating to unlawful practice in the procurement of retainers for attorneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 677, entitled:

An Act authorizing counties of the third class to enter into agreement with certain hospitals for the care of contagious disease cases; and authorizing such counties to make appropriations therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 701, entitled:

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by prohibiting the admission of certain children to motion picture exhibitions on Sunday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 717, (House Bill No. 899), entitled:

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning township of the second class and amending, revising, consolidating and changing the law relating thereto" as amended by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school institution and poor district taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 719, (House Bill No. 1189), entitled:

An Act to amend section six hundred and ten of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 720, (House Bill No. 1234), entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridge and tunnels by purchase or the exercise of the right of eminent domain, providing for the acquiring of fee simple title thereto and the issuance of bonds therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 727, entitled:

A Joint Resolution propoing an amendment to section one, article fourteen, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 737, (House Bill No. 741), entitled:

An Act relating to the administration of oaths by notaries public, magistrates, aldermen and justice of the peace and validating certain oaths heretofore taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 780, (House Bill No. 804), entitled:

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salemen and their businesses" by excluding certain persons from certain proviions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 802, entitled:

An Act to further amend section two hundred and seventy-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising; amending and consolidating the laws relating thereto," creating additional county detectives in counties of the second class, and establishing their salaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 814, entitled:

An Act to amend Section four of the act, approved the thirty-first day of May, one thousand nine hundred thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof," by making unlawful the selling of ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice or fruit ice or resale to any purchaser not having cabinets, cans, or other containers exclusively to preserve or hold the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 815, entitled:

An Act to further amend clause (a) of section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," regulating the hours of labor for female employes of non-profit charitable or welfare institutions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 818, entitled:

An Act to further amend sections ten and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claim; and validating certain municipal liens heretofore filed and certain liens heretofore revived by suggestion and averment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 827, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, by adding section eight.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 832, (House Bill No. 718), entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and

counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 833, (House Bill No. 720), entitled:

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight, (P. L. 63), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled 'An act for the prevention and treatment of mental diseases, mental defect epilepsy and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer, discharge, interstate rendition and deportation of mental patients, providing for the payment by individuals, counties of the Commonwealth of the cost of the admission, care and discharge of mental patients and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment, relieving counties and poor districts of the payment of the cost of the admission, care and discharge of mental patients with certain exceptions; imposing such costs on the Commonwealth and repealing inconsistent laws," by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county, city or institution district institutions during such time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 843, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities, selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon, defining certain qualities for milk, providing for inspection of and standards for dairy farms and milk plants, providing for the administration of the Act and the establishment of rules and regulations thereunder and for appeals to the Court of Common Pleas of Dauphin County, therefrom, and imposing penalties, and repealing certain acts and parts thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 872, (House Bill No. 297), entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 877, (House Bill No. 623), entitled:

An Act to further amend section one of the act, approved the seventeenth day of April, one thousand eight hundred and ninety-three (P. L. 21), entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located, in the disposition of the business of the Commonwealth, by providing suitable clerical assistance," by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 904, (House Bill No. 1164), entitled:

An act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 905, (House Bill No. 1170), entitled:

An Act providing for practical arts and vocational agriculture home economics and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 935, (House Bill No. 642), entitled:

An Act to amend the title and section one of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty," as amended, by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 950, (House Bill No. 737), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 995, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page, the names of the owners, proprietors, or publishers, and the managing editors of the same; and providing a penalty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Thursday, May 11, 1939 at 1:30 o'clock, p. m. E. S. T.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:08 o'clock, p . m. until Thursday, May 11, 1939, at 1:30 o'clock, p. m., E. S. T.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 10, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

O Merciful Spirit of the Infinite, forbid that our prayers should ever cease to go up or Thy blessing ever cease to come down.

Arm our minds with clear thinking, our tongues with wise speaking, and our hearts with enriched sentiment. Enable these men who have been entrusted with grave responsibilities to discharge those responsibilities with fine conscience and high principle.

Bless and direct the Speaker and Members of this Chamber, the officers and all employees.

When our life's day work is completed, cause the morning star of promise to rise over our waiting brows and light our way to eternal life through Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. JACOB L. MOSER, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 486. (HOUSE BILL No. 1480)

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which such corporations may issue polices.

Referred to the Committee on Insurance.

SENATE BILL No. 537. (HOUSE BILL No. 1481.)

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 514. (HOUSE BILL No. 1482.)

An Act to amend sections three hundred eight and three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners; county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," changing the conditions for borrowing money for current expenses; and authorizing a supplemental budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth.

Referred to the Committee on Welfare.

SENATE BILL No. 50. (HOUSE BILL No. 1483.)

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 58. (HOUSE BILL No. 1484.)

An Act to amend paragraph seven of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engagng in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placng the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations betwen public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporatons) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 156. (HOUSE BILL No. 1485.)

An Act to repeal the act approved the twelfth day of June one thousand nine hundred and seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

Referred to the Committee on Judiciary General.

SENATE BILL No. 274. (HOUSE BILL No. 1486.)

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class providing for their office supplies and clerical assistance and providing for their compensation and the payment of the same by the county

Referred to the Committee on Cities—Second Class.

SENATE BILL No. 585. (HOUSE BILL No. 1487.)

An Act to amend clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide fire hydrants and hose to pay for and maintain the same by tax levy or from revenues derived from the general road tax by tax levy or from revenues derived from the general road tax

Refered to the Committee on Townships.

SENATE BILL No. 635. (HOUSE BILL No. 1488.)

An Act to amend section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions and declaring bonds of an authority negotiable instruments proper for legal investments and free from taxation.

Referred to the Committee on State Government.

SENATE BILL No. 687. (HOUSE BILL No. 1489).

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 702. (HOUSE BILL No. 1490)

An Act to repeal the act approved the second day of May one thousand nine hundred and seven (Pamphlet Laws 157) entitled "An act requiring all newspapers published in this Commonwealth to print in a conspicous place in every issue the names of the owners proprietors or publishers and the managing editors of the same and making a violation of this act a misdemeanor and fixing the penalty therefor."

Referred to the Committee on Judiciary Special.

SENATE BILL No. 795. (HOUSE BILL No. 1491.)

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any

county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and fixing of tolls and providing for the acquisition of franchises permits and real and personal property conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 796. (HOUSE BILL No. 1492.)

An Act to amend section nine of the Act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws 108) entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River and the issuance of permits therefor" by providing for the assignment of such permits in certain cases and making further provision with respect to the collection of tolls.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 761. (HOUSE BILL No. 1493.)

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof, establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employes.

Referred to the Committee on State Government.

SENATE BILL No. 459. (HOUSE BILL No. 1494.)

An Act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

Referred to the Committee on Counties.

BILLS INTRODUCED AND REFERRED

By Mr. WOODSIDE. HOUSE BILL No. 1495.

An Act abating proportionately certain appropriations to the extent necessary to offset loss of revenue under certain circumstances.

Referred to the Committee on Appropriations.

By Mr. STOCKHAM. HOUSE BILL No. 1496.

An Act making an appropriation from the Flood Control Fund to the Department of Forests and Waters for the payment of repairs and construction to certain dikes.

Referred to the Committee on Appropriations.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 549.

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by providing for equipment allowances increasing and extending clothing allowances and requiring a report by commanding officers

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 282.

An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of The Delaware River Joint Commission by virtue of the appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled: 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors"

With the information that the Senate has passed the same without amendment.

LEAVES OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. CLEARWATER on account of illness in the family.

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIIN on account of illness.

Mr. DENMAN asked and obtained leave of absence for himself for the remainder of the week.

Mr. MADDEN asked and obtained leave of absence for himself for the remainder of the week.

REPORTS FROM COMMITTEES

Mr. STOCKHAM from the Committee on Motor Vehicles reported as committed, House Bill No. 190, entitled:

An Act to further amend section seven hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, Justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by making changes in fees for certain commercial motor vehicles and truck tractors.

Mr. BOOSE from the Committee on Motor Vehicles reported as committed, House Bill No. 1309, entitled:

An Act to further amend section one thousand two hundred seven of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring magistrates to report to local authorities fines and penalties collected; and providing penalties.

Mr. BENNETT from the Committee on Motor Vehicles reported as amended, House Bill No. 1341, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" extending the jurisdiction and powers of mayors, burgesses, magistrates, aldermen, justices of the peace and other officers having the power of committing magistrates in criminal proceedings, and of magistrates, aldermen and justices of the peace in civil proceedings under said act; and changing penalties and the circumstances under which operating privileges shall be revoked.

Mr. EWING from the Committee on Forestry reported as amended, House Bill No. 943, entitled:

An Act approving, ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio river drainage basin and making the State of Pennsylvania a party thereto; creating the "Ohio River Valley Water Sanitation Commission;" providing for the members of such commisison from the State of Pennsylvania; and providing for the carrying out of said compact.

Mr. HENRY from the Committee on Ways and Means reported as committed, House Bill No. 931, entitled:

An Act to amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" providing for contribution rates based on compensation experiences.

Mr. HOYT from the Committee on Judiciary Special reported as committed, House Bill No. 401, entitled:

An Act to prohibit the solicitation of retainers or employment to present, settle, prosecute or defend claims or actions.

Mr. BOWER from the Committee on Apportionment reported as amended, House Bill No. 249, entitled:

An Act to amend so much of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 167), entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law, for the said districts," as relates to the forty-seventh judicial district, by reducing the number of judges of the court of common pleas of said district.

Mr. O'CONNOR from the Committee on Motor Vehicles reported as committed, House Bill No. 1052, entitled:

An Act to regulate motor vehicle junk yard business; to provide for the issuance of licenses for each motor vehicle junk yard; prescribing the method and manner of obtaining such licenses and prescribing the fees there-

for; prohibiting motor vehicle junk yards within sight of a state highway; and prescribing penalties.

Miss BRANCATO from the Committee on Professional Licensure reported as committed, House Bill No. 717, entitled:

An Act to further amend section nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptioins; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the granting, suspension and revocation of the licenses of optometrists.

Mr. CALVIN from the Committee on Ways and Means reported as committed, House Bill No. 1421, entitled:

An Act to amend the act, approved the seventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, eight hundred fifty-nine), entitled "A supplement to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred and twenty-one), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section three, imposing, and providing for, interest penalties on the estate taxes imposed under the provisions of the said act.

Mr. FULLERTON from the Committee on Education reported as committed, House Bill No. 1169, entitled:

An Act to amend section 1104 and sections 1105, 1121, 1127 and 1134 as amended of the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered. and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating the tenure of office and salaries of county and assistant county superintendents and district and assistant district superintendents.

Mr. REUBEN E. COHEN from the Committee on Judiciary Special reported as committed, House Bill No. 793, entitled:

An Act to amend section seven of the act, approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings;" providing that in cases where a person is accused of manslaughter by means of a motor vehicle, he may be admitted to bail by the justice, mayor, recorder, magistrate or alderman.

Mr. WILLIAMS from the Committee on Townships reported as committed, House Bill No. 1408, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the appointment of boards of health and health officers; conferring powers and imposing duties upon said boards and health officers; and conferring certain powers upon the Secretary of the State Department of Health.

Mr. O'DARE from the Committee on Cities—First Class reported as amended, House Bill No. 1298, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commission commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by changing the number and further regulating the appointment and terms of office of the members of the commission, amplifying and changing their powers and duties; further regulating the appointment of registrars, and the powers and duties of registrars, inspectors of registration and watchers; further providing for and changing the provisions of said act relating to the time, place and manner of registering electors and their enrollment as members of political parties, the transfer of registrations, the change of party enrollment, rehearings for rejected applicants, appeals from the decisions of the commission, the checking, correction and cancellation of registrations, the preparation and distribution of street lists; and imposing additional penalties.

Mr. CURRAN from the Committee on Motor Vehicles reported as amended, House Bill No. 1423, entitled:

An Act to amend the act, to reenact and amend section two hundred twelve and to repeal section one thousand thirty-three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties cities boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making

an appropriation and providing for refunds," as variously amended, further amplifying and changing the provisions of said act relating to certificates of title, the correction, cancellation and assignment thereof, notices contained therein and the rights of persons to apply for, receive and possess such certificates as agents, and declaring liens and encumbrances shown on such certificates to be lawful notice thereof to the Commonwealth, creditors and purchasers; further regulating the registration and operation of certain motor vehicles, trailers and semi-trailers, the application for, and suspension of operators, licenses, the use of registration tags in certain cases, and the lawful weight, size, equipment and speed of such vehicles; removing certain exemptions and providing new exemptions from the various provisions of said act; providing for the suspension of inspection stations, appeals from such suspension, and the appointment and regulation of new ones by the Secretary of Revenue; authorizing the destruction of certain motor vehicles by the secretary; restricting the transportation of explosives; authorizing the arrest and prosecution of, and entry of bail by offenders on Sunday; changing the time when prosecution may be brought for certain offenses; making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings; changing certain fees, disposing of certain fines and penalties and forfeited bail, and changing and imposing new penalties.

Mr. GILLETTE from the Committee on Motor Vehicles reported as committed, House Bill No. 1461, (Senate Bill No. 235) entitled:

An Act to repeal the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicles dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providing for appeals to the courts from decisions of the commission imposing penalties and making appropriations" and abolishing the motor vehicle dealers' commission and terminating the terms of its members

Mr. KLINE from the Committee on Insurance reported as committed, House Bill No. 1480, (Senate Bill No. 486) entitled:

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies.

Mr. McVAY from the Committee on Judiciary Special reported as committed, House Bill No. 1434 (Senate Bill No. 461), entitled:

An Act to amend Paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, Paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1449), entitled "An act establishing a court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," by extending the provisions of the act to children under eighteen years of age.

Mr. McVAY from the Committe on Judiciary Special reported as committed, House Bill No. 1435 (Senate Bill No. 462), entitled:

An Act to amend Clause 2 of Section 1, and Sections 4, 6, 7, 8 and 14 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by extending the provisions of the act to children under eighteen years of age.

Mr. BOWER from the Committee on Insurance reported as committed, House Bill No. 1442 (Senate Bill No. 422), entitled:

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business, to write policies without contingent liability in such policy or in the power of attorney.

Mr. McNALLY from the Committee on Insurance reported as committed, House Bill No. 1468 (Senate Bill No. 492), entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof.

Mr. McGARRITY from the Committee on Railroads and Railways reported as committed, House Bill No. 1467 (Senate Bill No. 458), entitled:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock.

Mr. REUBEN E. COHEN from the Committee on Insurance reported as committed, House Bill No. 1439 (Senate Bill No. 408), entitled:

An Act to authorize insurance companies to include in any general, blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents.

Mr. TROUT from the Committee on Motor Vehicles re-reported as amended, House Bill No. 1305, entitled:

An Act to amend sections eight, eleven and twenty-five of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries, and prescribing penalties," as amended, providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the non-payment of judgments.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1420, entitled:

An Act to amend the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer therof has been paid and providing penalties and citing certain acts for repeal" by further defining the commissions of registers of wills regulating the opening of safety deposit boxes of a decedent permitting supplemental appraisements in certain cases further defining allowable deductions and limiting the time within which claims for deductions may be filed and conforming the act to existing law

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1418, entitled:

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand sixty-three) entitled "An act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interest on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officer boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and describing penalties" by further declaring the legislative intent and making further provisions for refunds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1118, entitled:

An Act authorizing Federal Savings and Loan Associations to issue share accounts in the name of certain minors and in the joint names of two or more persons and validating the acquittances of such minors and validating the acquittances of either person in a joint account under certain conditions and outlining the procedure for the payment of share accounts issued in the name of a trustee following the death of the trustee

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1083, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 976, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 433, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1198, entitled:

An Act making an appropriation to aid certain school districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1362 (Senate Bill No. 135), entitled:

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 669 (Senate Bill No. 93), entitled:

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 255, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 22, entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1252, entitled:

An Act making appropriations for aid to free public non-secretarian county libraries and for the purchase and transportation of books

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 258, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 97, entitled:

An Act authorizing the appointment of a commission to make a just fair and impartial investigation of the Liquor Control Board its personnel and the operation and conduct thereof the manufacture conduct sale and advertising of malt and brewed beverages spirituous liquors and wines together with the methods and practices of manufacturers and dispensers thereof and in connection therewith conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the next special or regular session of the General Assembly together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with the work of the Liquor Control Board and with the manufacture sale and advertising of malt and brewed beverages liquors and wines which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1450, entitled:

An Act to amend sections one and two of the act approved the eighteenth day of April one thousand nine hundred and thirty-five (P. L. 48) entitled "An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances" by requiring employers to disclose information concerning wages of applicants or recipients of public assistance

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER. House Bill No. 1445, Printer's No. 692, bill on first reading, is not on file and will therefore be passed over.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 607, entitled:

An Act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1368, entitled:

An Act to further amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73) entitled "An act to provide for the incorporation and regulation of certain corporations" by not requiring the Governor to approve certain charters

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1449, entitled:

An Act to amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighy-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as amended by providing for exceptions in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1153, entitled:

An Act to further amend section six hundred and fourteen B of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws

624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization or corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing with respect to the statutory the liability of common shareholders

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 657, entitled:

An Act to amend section two and clause (d) of section nine of the act approved the twenty-fourth day of June one thousand and nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" providing that in certain cases when relief if given milk orders shall be included in such relief

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1448, entitled:

An Act to amend sections one hundred two four hundred three and five hundred one and subsection (c) of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" by defining "Public Charge" and providing for loss of settlement under certain circumstances

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 977, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 758, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by declaring February fifteenth known as Susan B. Anthony's birthday a legal holiday

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1086, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights power duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferrng powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitation of actions imposing penalties and repealng certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1372 (Senate Bill No. 129), entitled:

An act regulating marriages and the issuance of licenses to marry imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies providing for the annulment of marriages for certain violations of this act and fixing other penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1403 (Senate Bill No. 339), entitled:

An act to further amend subparagraph two of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further regulating the security for the deposits of State moneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

The SPEAKER. The Chair desires to inform the House that under agreement we will read House Bill No. 1337, the first section thereof, then permit debate upon the entire bill, the amendments to be acted upon later. We would, however, ask that the amendments be submitted to the desk immediately upon the reading of the first section, so that they can be put in their proper order at the desk to be read later. Is there objection to this procedure? The Chair hears none.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The word "hotel" as used in this act shall mean any reputable place operated by a responsible person of good reputation where the public may for a consideration obtain sleeping accommodations and which

(a) In municipalities having a populaton of less than one thousand shall have at least six permanent bedrooms for the use of guests

(b) In municipalities having a population of one thousand and more but less than three thousand inhabitants shall have at least ten permanent bedrooms for the use of guests

(c) In municipalities having a population of three thousand and more but less than ten thousand inhabitants shall have at least twelve permanent bedrooms for the use of guests

(d) In municipalities having a population of at least ten thousand and more but less than one hundred thousand inhabitants shall have at least twenty-five permanent bedrooms for the use of guests and

(e) In municipalities having a population of one hundred thousand and more inhabitants shall have at least forty permanent bedrooms for the use of guests All such hotels shall have a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the dining room or rooms in which food is regularly prepared for the public

The word "person" shall mean every natural person association or corporation

The word "municipality" shall mean any city borough incorporated town or township

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 3, by striking out the word: "ten" and inserting in lieu thereof: "six"

Amend Sec. 1, page 2, line 7, by striking out the word: "twelve" and inserting in lieu thereof: "eight"

Amend Sec. 1, page 2, line 11, by striking out the word: "twenty-five" and inserting in lieu thereof: "ten"

Amend Sec. 1, page 2, line 15 by striking out the word: "forty" and inserting in lieu thereof: "fifteen"

Amend Sec. 1, page 2, by inserting between lines 20 and 21 the following new paragraph "The word "club" shall mean club as defined in the act of the General Assembly of the Commonwealth of Pennsylvania approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34) as reenacted and amended."

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

Mr. JIROLANIO. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Northampton will state his question of parliamentary inquiry.

Mr. JIROLANIO. Mr. Speaker, is it possible while discussing the bill to also discuss the amendments which I have offered?

The SPEAKER. The gentleman may have the widest latitude in discussing both the bill and the amendments at this time. The Chair, however, feels that the debate should not extend to any other bills to be discussed today. The gentleman will proceed.

Mr. JIROLANIO. Mr. Speaker and members of the House, the bill we have before us, known as House Bill No. 1337, Printer's No. 672, attempts to do something radical in the line of changing the law as it exists today.

On page two of the bill it first goes on and raises the number of required bedrooms for what is known as a hotel. If you will look at the bill you will see it raises the number of bedrooms, over the existing law in municipalities having a population of one thousand or more but less than three thousand, to ten. Under the present law it is six. The bill then goes on in paragraph C and raises them over the existing laws in municipalities having a population of three thousand but less than ten thousand, to eight.

In paragraph D of the bill it increases the number in the municipalities having a population of at least ten thousand but less than one hundred thousand to twenty-five.

Under the present law it is ten. Then it goes on in those municipalities having a population of more than one hundred thousand, to forty bedrooms. Just bear in mind what this provision of the act actually does. There may be in various municipalities at the present time many hotels that have been properly licensed. Let me say that there are at the present time in municipalities, buildings that were hotels, that are licensed as restaurants. In those municipalities if any particular owner of a property would like to go out and get a hotel liquor license he would have to live up to the new arrangement under the new act. Let me take the city of Bethlehem for example. The city of Bethlehem has fifty-seven thousand people. Under this act there would be only three places in that city that could come under the qualifications of the definition of the word "hotel." Then let us go to the city of Reading which has a population of over one hundred thousand people, and in that city you would only be able to get three places that would qualify under this act, that would have at least forty bedrooms or more. You can see what that amounts to. It is needless for me to go on and explain what the result would be.

The thing that I object to in this bill more than anything else is on page three. The act goes on in line five and says,

> "Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class notwithstanding the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitations prescribed by this act no new license except for hotels as defined in this act shall be granted so long as said limitation is exceeded."

This is what that actually amounts to. Those places that are legally doing business today and licensed by the Pennsylvania Liquor Control Board, if you pass this bill, it does not protect existing license holders. In other words, if the Pennsylvania Liquor Control Board saw fit it could close a great number of licensed places today, although I have been informed by various members of the Liquor Control Board that it is their intention not to disturb any existing licensee. However, under this provision of the bill you can readily see the difficulty of the retail licensee because of the provision wherein they say in Section two on page two:

> "No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof."

Now, just stop and consider what that particular section amounts to. Read it in connection with the section starting with the word "nothing" on page three, line five.

Let us take the city of Harrisburg for example. The Pennsylvania Liquor Control Board can close at least thirty-five to forty-five places if they see fit. I do not think it is right for the members of the Legislature to legislate out of business, as it would be possible to do in this very act, those places that are legally in business today, because, first of all, they have been duly licensed by the Legislature through the Pennsylvania Liquor Control Board. In the second place, they have been running their business in accordance with the law, otherwise their places would have been shut down. Third, they have made a material investment in many cases and practically their entire savings are invested in the particular enterprise, where they are licensed to sell alcoholic beverages. So I say that that particular section for which I have an amendment, which I have already handed up to the Speaker, should be amended in order to protect the licensee who is in business legally today, to see to it that he is not legislated out of business, or rather thrown out of business, upon the mere whim or the will or desire of the members of the Liquor Control Board. This act expressly excludes hotels.

In that sense let me say that it is my opinion that where a group of persons gets together and organizes a non-profit organization, going through the routine prescribed by the law, which they call a "club", I feel that the provisions of this section should be extended to clubs especially in Pennsylvania, because the people of Pennsylvania like to fraternize with each other, with the result that we have more clubs in Pennsylvania than in any other three states put together. Bear in mind when a group of people bands together as a club, they do not do so for profit but do so usually for mutual advantage and usually for a worthwhile purpose. I say the exception should also apply to clubs. Let us take a group of men, citizens of this state, who probably in the next year will want to organize themselves into a non-profit organization and go through the regular legal form and after they have been duly organized, they see fit to ask the Pennsylvania Liquor Control Board for the privilege of being able to sell alcoholic beverages to their members. Bear in mind that they are not in that particular business for monetary purposes, they are only there for their own individual selves. The same thing applies to them as a group as would apply to an individual who goes to the Pennsylvania Liquor Control Board's retail store and buys himself a bottle of whiskey. When the members are banded together in a club, they, through their agents, go and buy from the Pennsylvania Liquor Control Board stores alcoholic beverages. It is brought to their headquarters and distributed to their members, which is practically the same thing an individual does when he goes to the Liquor Control Board store and buys himself liquor. Bear in mind also that the Legislature from the time of the bringing back liquor to Pennsylvania has recognized that clubs are distinct from the average and ordinary retailer, so much so that when the original act was passed, the Legislature saw fit to give licenses to clubs on the payment of a nominal fee. They also saw fit to give clubs the extra privilege of remaining open on Sunday. That was because they recognized the fact that a club is not trying to make money from the sale of liquor for their own individual welfare. They recognized the fact that Pennsylvania is a state wherein we like to band together and get together. They also recognize that fact that where a club is legally conducted and run for the benefit of its members they should have some privileges in that respect.

Therefore I say to the members of this House, especially in the provisions I have mentioned, and that is, first, the question of guaranteeing to bonafide licensees, who have a license today, that they will have a license next year, that do not have to stand by and see a member of the Pennsylvania Liquor Control Board throw them out of business. Secondly, that the clubs shall be excluded in

this act the same as hotels. Third, that the question of bedrooms in a municipality as is attempted to be defined by this act, should be defined as they are in the act as it now stands. Certainly there has never been any complaint by any municipalities as to those places which are doing business under the name of hotels. If they are good today and they haven't had a complaint from the Pennsylvania Liquor Control Board or from the citizens of the Commonwealth of Pennsylvania, I do not see any good reason why the Legislature should now go and change the definition as to the number of rooms in various municipalities.

Mr. CURRAN. Mr. Speaker and members of the House, our debate on this particular bill will be brief.

The gentleman from Northampton has introduced two amendments to this bill. He seems to have missed the main point as far as this legislation is concerned. In the first instance I believe the paramount issue insofar as liquor legislation is concerned, is a drastic reduction in the number of licenses. In this bill we have defined the population ratio so far as new licenses are concerned. The ultimate object which we hope to obtain is that eventually we will have one license for every one thousand of population. So far as his amendment as to the number of rooms in hotels is concerned, it is our belief that under the present law a great many people have had issued to them hotel licenses who are merely masquerading as hotels, and have the privilege of selling liquor by the bottle to guests in their so-called hotels, and thus compete with sales by the Pennsylvania liquor stores. It is for that purpose that we have defined hotels by setting forth the number of bedrooms according to the population of the community. So far as his amendments in general are concerned, if adopted, they would destroy the effect and purpose of the bill.

We therefore ask that you vote down the amendments offered by the gentleman from Northampton.

Mr. HESS. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Curran.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. CURRAN. I shall, Mr. Speaker.

Mr. HESS. Mr. Speaker, I would like to ask the gentleman from Delaware, Mr. Curran, whether it is true that under the existing law a hotel in order to receive a hotel liquor license must have six bedrooms in use?

Mr. CURRAN. That is the present law, Mr. Speaker.

Mr. HESS. Mr. Speaker, I desire to ask the gentleman from Delaware whether in his opinion, if this bill should be enacted into law, hotels that could meet the requirements of the present law but would not have enough bedrooms to meet the requirements under the new law, would be subject to revocation proceedings?

Mr. CURRAN. Mr. Speaker, they would not. They would still have the privilege of securing a license but would not come under the provision of this bill which puts hotels on a different basis from other licensees.

Mr. HESS. Mr. Speaker, what license could they receive?

Mr. CURRAN. A hotel license, Mr. Speaker.

Mr. HESS. Mr. Speaker, how could they receive a hotel license when they couldn't come up to the requirement of the act in their particular locality?

Mr. CURRAN. On renewals, Mr. Speaker. It is not the purpose of this bill, or the intention of this bill to affect any present licensee, but to eventually cut down the number of licenses and to give legitimate, bonafide hotels adequate protection under the law.

Mr. HESS. Mr. Speaker, I should like to ask the gentleman where in the bill he finds any provision that saves hotels holding licenses at the present time from the provisions of this act?

Mr. CURRAN. Mr. Speaker, the answer is quite obvious. It is not the intention of this bill that when a licensee, presently holding a license, makes application for a renewal that his application shall be turned down because of the fact that there is more than one license to each one thousand population. It would be unconstitutional so to do, to deny him that right. The purpose is to ultimately cut licenses down to that population ratio. The matter of cutting down, Mr. Hess, in your opinion would be by revocation. Those who violate the law, their licenses will be revoked, and in that way it will work toward a limitation of the number over a period of years.

Mr. HESS. Mr. Speaker, would the gentleman from Delaware have any objection to an amendment being inserted in this bill that would definitely state that hotels holding licenses at the present time, but do not have the required number of bedrooms as stated in this act, shall nevertheless be permitted to have their licenses renewed?

Mr. CURRAN. Mr. Speaker, we would object to such an amendment, because we think it is unnecessary.

Mr. HESS. Then, Mr. Speaker, I would like to ask the gentleman where in the act such licensees are saved?

Mr. CURRAN. Mr. Speaker, the gentleman will have to read House Bill 1337 in conjunction with House Bill 1125.

Mr. HESS. Is it not true, Mr. Speaker, that those hotels that do not come up to the new requirements set forth in this act would immediately be subject to revocation proceedings?

Mr. CURRAN. Mr. Speaker, that is absolutely not so.

Mr. HESS. Mr. Speaker, is it not true that under this act there is a saving feature for licensees in the event the number exceeds the ratio set forth in this act, namely one license to every one thousand population, but there is no saving feature for a hotel license?

Mr. CURRAN. Mr. Speaker, there is a saving feature for hotels that answer the description and definition set forth in the bill.

Mr. HESS. Mr. Speaker, I should further like to ask the gentleman if there is a saving feature for the hotels that do not meet the definition set forth in this bill?

Mr. CURRAN. Mr. Speaker, there is not so far as the protective features given to hotels which answer to the definitions set forth in the bill are concerned but no hotel holding a license would lose that license at its expiration, but it would be given the same consideration as any other applicant for renewal.

Mr. HESS. Mr. Speaker, what language or what portion of the bill does the gentleman refer to in arriving at that conclusion?

Mr. CURRAN. Mr. Speaker, the gentleman will again have to read House Bill 1125 in connection with House Bill 1337.

May I make this clear: there is no intention on our part in any of these bills to take away from any present licensee by revocation or by refusal to renew. The only purpose sought to be accomplished is to limit the number

of licenses through revocation or by failing to apply over a period of years, or for violation of the law.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Delaware.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. CURRAN. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, am I right in understanding that the gentleman stated there are quite a number of places today that are masquerading under the name "hotel?"

Mr. CURRAN. Mr. Speaker, that was the information and evidence brought before our Committee.

Mr. JIROLANIO. Isn't it a fact, Mr. Speaker, that if a place is doing business and is not an active hotel, the Pennsylvania Liquor Control Board can come in and revoke that license?

Mr. CURRAN. Mr. Speaker, no.

Mr. JIROLANIO. Why not?

Mr. CURRAN. Not unless they find a violation of the law, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, would it not be a violation if they were only masquerading as the gentleman uses the word and not a hotel as required by the act of Assembly?

Mr. CURRAN. Mr. Speaker, not under the present law.

Mr. JIROLANIO. Mr. Speaker, did I understand the gentleman correctly to state that it is not the intention of the sponsors of the present bill to deprive anyone who is duly licensed at the present time to sell alcoholic beverages, but that he can continue in that business?

Mr. CURRAN. Mr. Speaker, that is right. If the gentleman will refer to page twenty-three of House Bill No. 1125, at the top of the page he will note, and this also answers Mr. Hess' question—

The SPEAKER. The Chair fears departure into House Bill No. 1125 will get us into difficulty later on in the debate.

Mr. JIROLANIO. Mr. Speaker, I am speaking about House Bill No. 1337.

The SPEAKER. The Chair understands that, and he will permit the gentleman to answer, but the Chair trusts the members will not wander off into other bills.

Mr. CURRAN. Mr. Speaker, on page twenty-three of House Bill No. 1125 it is provided "that no new license shall be granted in any municipality which will cause the number of licensed places in the municipality to exceed the number limited by law." The number limited by law is the number set forth in House Bill No. 1337.

Mr. JIROLANIO. Mr. Speaker, the gentleman is not answering my question. Let me give you a concrete example. Let us say in Harrisburg the population is about ninety thousand, and excluding hotels, as the definition is set forth in this act, you would be entitled to ninety places to sell liquor at retail is that correct?

Mr. CURRAN. That's right, Mr. Speaker. That is eventually, over a period of years.

Mr. JIROLANIO. Eventually, Mr. Speaker?

Mr. CURRAN. Over a period of years, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, isn't it a fact that under House Bill No. 1337, when anyone applies for a renewal, it is only in the discretion of the Pennsylvania Liquor Control Board as to whether or not they want to issue a liquor license.

Mr. CURRAN. That is not correct, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, where does the gentleman get the opinion that he has given me?

Mr. CURRAN. Mr. Speaker, may I refer the gentleman to House Bill No. 1125 at the top of page twenty-three, which provides that no new license shall be granted and so forth.

Mr. JIROLANIO. Mr. Speaker, let me read then to the gentleman slowly House Bill No. 1337, Printer's No. 672, page three, line five:

> "Nothing contained in this section shall be consrtued as denying the right to the Pennsylvania Liquor Control Board to renew."

Does the gentleman get that? They can renew but they don't have to renew any existing license in the city of Harrisburg today if it exceeds the number set forth in House Bill No. 1337.

Mr. CURRAN. Mr. Speaker, that is not the purpose or intent of the law.

Mr. JIROLANIO. Mr. Speaker, I am not interested in the purpose, I want to know from the gentleman whether this bill says what I am saying or not?

Mr. CURRAN. Mr. Speaker, of course the gentleman read the provisions in the bill, but the gentleman can only read that in connection and in conjunction with House Bill No. 1125.

Mr. JIROLANIO. Mr. Speaker, House Bill 1125 only goes on and states the question as to new licenses, I am only talking now of those persons, those present licensees, who are in business today and want to renew their license. There is nothing in this act that guarantees to them that their licenses shall be renewed if they live up to the provisions of the law.

Mr. CURRAN. Mr. Speaker, does the gentleman desire to ask a question?

Mr. JIROLANIO. Mr. Speaker, I asked him a question.

Mr. CURRAN. Mr. Speaker, I thought the gentleman was making a speech.

Mr. JIROLANIO. Mr. Speaker, let me ask this then, what would happen if House Bill 1337 were passed and House Bill 1125 were defeated?

Mr. CURRAN. Mr. Speaker, the present licensee would still be protected.

Mr. JIROLANIO. Mr. Speaker, where would he get that protection for the present licensee?

Mr. CURRAN. Mr. Speaker, from the existing law.

Mr. JIROLANIO. Mr. Speaker, has the gentleman forgotten the provisions of House Bill 1337, where it limits the licenses to a ratio of one to one thousand people?

Mr. CURRAN. Mr. Speaker, that is the ultimate aim and intention of the bill.

Mr. JIROLANIO. Mr. Speaker, would the gentleman be in favor of an amendment that would protect those persons that are duly licensed as retail alcoholic beverage sellers today in the renewal of their alcoholic beverage license providing they live up to the rules, laws and requirements of the Pennsylvania Liquor Control Board?

Mr. CURRAN. Mr. Speaker, positively not, because they are protected under the present law.

Mr. JIROLANIO. Mr. Speaker, I don't quite understand the gentleman. He said "positively not."

Mr. CURRAN. Mr. Speaker, we positively would not agree to such an amendment. The gentleman asked two questions in one.

Mr. JIROLANIO. Mr. Speaker, where would the harm be in an amendment if you are absolutely sure you want

to protect the man who is in business at the present time?

Mr. CURRAN. Mr. Speaker, we are sure.

Mr. JIROLANIO. Mr. Speaker, the gentleman is sure?

Mr. CURRAN. Yes, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, still the gentleman cannot point to the particular section of the bill that guarantees assurance on that point.

Mr. CURRAN. Mr. Speaker, I have pointed it out.

Mr. JIROLANIO. Where, Mr. Speaker?

Mr. CURRAN. Mr. Speaker, in conjunction with the two bills as read together, and the existing law.

Mr. JIROLANIO. Mr. Speaker, the existing law?

Mr. CURRAN. Yes, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, where is the provision in the existing law that the gentleman knows of that will guarantee a renewal of a liquor license to a present licensee, if House Bill 1337 should pass and House Bill 1125 should fail?

Mr. CURRAN. Mr. Speaker, is the gentleman familiar with the present law?

Mr. JIROLANIO. Very much so, Mr. Speaker.

Mr. CURRAN. Mr. Speaker, if the gentleman will turn to page 27 of the act he will find that it states:

> "Unless previously revoked, every license issued by the Board under the act shall expire and terminate on the thirty-first day of December in the year for which the license is issued.
>
> "Licenses issued under the provisions of this act shall be renewed annually upon the filing of applications in such form as the Board shall prescribe, but no license shall be renewed until the applicant shall file with the Board a new surety bond and shall pay the requisite application fee and license fee certified in this act."

Mr. JIROLANIO. Mr. Speaker, from which act is the gentleman reading, the beverage license law or the liquor law?

Mr. CURRAN. Mr. Speaker, the liquor control law. I thought we were talking about the liquor law.

Mr. JIROLANIO. Mr. Speaker, House Bill 1337 affects everything.

Mr. CURRAN. Mr. Speaker, does not the gentleman know anything about House Bill 370, which was passed in 1937?

Mr. JIROLANIO. Yes, Mr. Speaker, I know it very well; that has nothing to do with the issuance of licenses; I am only asking you in reference to House Bill 1337. Therefore, since we have two acts, a beverage act and a liquor act, I should like to know the particular provision the gentleman is referring to, because the one refers to liquor and the other refers to malt?

Mr. CURRAN. Mr. Speaker, is the gentleman making a speech or asking a question?

Mr. JIROLANIO. Mr. Speaker, a speech for the information and knowledge of the member. May I have the page of the liquor control act from which the gentleman read?

Mr. CURRAN. Page 27.

Mr. JIROLANIO. Mr. Speaker, if House Bill 1337 is passed, will not that supersede the provision of the Liquor Control Act as set forth on page 27?

Mr. CURRAN. Mr. Speaker, I think not.

Mr. JIROLANIO. Mr. Speaker, is the gentleman sure instead of thinking?

Mr. CURRAN. We are sure, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, is the gentleman sure?

Mr. CURRAN. Yes, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, whose opinion is the gentleman giving now, his own?

Mr. CURRAN. It is my opinion, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, is the gentleman positive of that?

Mr. CURRAN. Yes, Mr. Speaker.

Mr. JIROLANIO. Is the gentleman giving anybody else's opinion?

Mr. CURRAN. Mr. Speaker, I can't speak for anyone else.

Mr. JIROLANIO. Mr. Speaker, does the gentleman mean to say that the House of Representatives, in a bill of such importance as the Liquor Control Bill, has only your opinion?

Mr. CURRAN. Mr. Speaker, I think my opinion is as good as his.

Mr. JIROLANIO. Mr. Speaker, I agree with him. Mine isn't so good. May I ask the gentleman whether or not he has taken up this particular section, which I am discussing with council for the Pennsylvania Liquor Control Board and gotten his opinion?

Mr. CURRAN. Mr. Speaker, that would not change my opinion.

Mr. JIROLANIO. Mr. Speaker, I know that the gentleman is learned in the law; he gets paid for it. In view of the fact that the gentleman is so positive that the present licensees will not be disturbed, I can't understand why he objects to an amendment which I think will guarantee them that privilege.

Mr. CURRAN. Mr. Speaker, it is impossible for me to understand why the gentleman from Northampton cannot understand.

Mr. JIROLANIO. Mr. Speaker, I read a different language from the Republicans. Section 3 of the act of House Bill 1337, reads as follows:

> "The Pennsylvania Liquor Control Board shall have the power to increase the number of licenses in any municipality after it has determined that the population of the municipality is not the true criterion of the number of persons who must be served in any such municipality, particularly in municipalities located within the resort areas."

Isn't it a fact that under that language the Pennsylvania Liquor Control Board could disregard this provision and issue more licenses?

Mr. CURRAN. Mr. Speaker, we think not. That is an amendment to House Bill No. 1337 which was suggested by the gentleman from Monroe, Mr. Achterman. He can explain it very well, because it affects his county. It also affects other counties in Pennsylvania which are resort counties in which the winter population is not a true criterion of the need to be served.

Mr. JIROLANIO. Mr. Speaker, that would also effect a municipality where they have more drinkers than the average allowed by law, because the gentleman apparently goes on—

Mr. CURRAN. Mr. Speaker, again I refer the gentleman to Mr. Achterman of Monroe County.

Mr. JIROLANIO. Mr. Speaker, does the gentleman want Mr. Achterman to answer my questions?

Mr. CURRAN. Mr. Speaker, I would be very happy if Mr. Achterman would answer it. I think it is a very fine amendment.

Mr. ACHTERMAN. Mr. Speaker and members of the House, in reply to the question, section 3 was drafted

solely for the purpose of having an equitable distribution of licenses in resort areas. My county is an excellent example of the problem that would be raised if House Bill No. 1337 were to pass without that section.

In my county the population is around 30,000. At the height of the summer season I presume there may be as many as a quarter of a million people in the county. Most of them are, of course, away from home, frequenting hotels, restaurants and other eating places, and of course, also purchasing liquor. I think the figures will show that our county, although the population is only 30,000 is something like eighth in position as to sales of liquor, making it quite obvious that the usual number of licenses would not be adequate to serve the people. This clause, with the consent of the Committee, will make it possible for resort areas to have a sufficient number of licensed places to adequately take care of the transient population. It was not intended to accommodate drinkers as drinkers, but rather to accommodate the public.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, I think with legislation of this kind it might be advisable and it might be helpful to the membership at large for members to state their own particular, distinct experience, in order to enable us to come to some real conclusion on this particular bill. I know that in my district we now have approximately thirty-seven licensees and I have seen them close because of inadequate business. I have seen them closed by the Liquor Control Board because of law violations, and I have seen them spring up in places where people had the feeling that they could make a success of the business.

However, under this section as Mr. Curran claims, eventually we might under our population quota have possibly thirteen or fourteen tap rooms. Now the people in my district may be peculiar. If they don't have their tap room readily available to them in their immediate neighborhood they are not going to walk a few blocks and get their glass of beer. What is going to happen is that our present quota of speak-easys which still exist in my district is going to be multiplied because it is going to be more convenient and even cheaper to get bootleg liquor in my district.

I think, Mr. Speaker and members of the House, that we can't possibly legislate and regulate the liquor problem in Pennsylvania by making so many rules and expect to be able to have them flexible enough to cover the situation. I think, gentlemen, the immutable law of economics, the law of supply and demand eventually, with proper policing by the Liquor Control Board on questions of ethical practices will thin out the ranks of undesirable places and at the same time permit the people in the various areas, by their own wishes and their own drinking capacity to eventually give us the proper number of drinking places in any particular area. I feel that legislation of this kind is not going to do my district any good, and I think possibly the same condition exists elsewhere. I want the membership of the House to know how it might work out in a district like mine, and since I am firmly convinced of the very harmful effect on the situation there, I feel I must oppose a regulation which is as drastic as this bill proposes to set up.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I think most of us, at least to some extent, are inclined to agree with the purposes of this bill. It is an attempt to limit the number of licensees. However in the construction of statutes, what might be said by any member of the House relative to the interpretation of that individual member as to the legal effect of legislation that is passed, has no force or affect whatsoever. The intent of the Legislature is gathered entirely from what is written into a bill and not what might be said on the floor of the House in its passage.

I quite agree with the gentleman from Delaware that it possibly is the intention of this act not to result in denying the right to license any existing establishment, but as I read the act, I do not believe House Bill No. 1337 accomplishes that purpose. You will see in section 2 of page 2 of the act, that there is a very definite limitation as to the number of licensees, namely, one to each one thousand population. On page 3 of section 2 there is a specific saving clause which goes on to say that,

> "Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation."

There is nothing in the act that says that irrespective of whether or not a hotel that does not conform with the new definitions of a hotel as set forth in House Bill No. 1337 should have its license renewed. The bill goes on to say that hotels may have their licenses renewed even though the hotel licensees might exceed the population limitation, but there is nothing in the bill which says that existing licensees shall have their licenses renewed where the hotel does not conform to the hotel definition as set forth in the act.

Now I don't hold myself out by any means to be an authority on constructing statutes but I will say that if we are desirous of enacting into law the things that the gentleman from Delaware has indicated he would like to have enacted there surely can be no harm in saying "Nothing contained in this section shall be construed as denying the right of the Pennsylvania Liquor Control Board to renew existing hotel licenses," and that is not stated in the act.

I am inclined to agree with the gentleman from Northampton and the gentleman from Berks who raised the question, that unless that saving clause is put in the act, we are placing ourselves in the position where existing hotel licensees will not conform to the new definition as set forth in the act and might be legislated out of business. If it is the intention of everybody to write the law so that existing hotels shall not be legislated out of business, I think that intention should be especially signified by an amendment in this act rather than by reference to another act. Nevertheless in the construction of statutes the clause is used: "All acts and parts of acts inconsistent herewith are hereby repealed." Further, under the principle of the construction of statutes this act would take precedence and would have to stand on its own feet. I would recommend, if it is the intention of the House to have a saving clause for existing hotel licensees, that that saving clause be specifically inserted in the act in order to accomplish that pronounced purpose.

Mr. JIROLANIO. Mr. Speaker, there are three sets of amendments. I ask that each one be taken separately.

The SPEAKER. They are being read separately. These are the amendments to section 1. Does the gentleman desire a division as to the amendments to section 1?

Mr. JIROLANIO. Mr. Speaker, yes, I do.

The SPEAKER. The first one, the Chair presumes is as to the number of bedrooms in a hotel. The second one pertains to clubs.

The Chair lays before the House the amendments to section 1 lines 3 to 15 pertaining to the number of rooms in a hotel.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Jirolanio and Mr. Powers and were as follows:

YEAS—67

Achterman,	DeNote,	Malone,	Rosenfeld,
Allen,	Downey,	McLane,	Rothenberger,
Allmond,	Fauset,	Melchiorre,	Sarraf,
Andrews,	Finnerty,	Mihm,	Schrope,
Baker,	Flanagan,	Mooney,	Schwab,
Balthaser,	Furman,	Moran,	Shaw,
Bohn,	Harkins,	Munley,	Skale,
Boies,	Hess,	O'Brien,	Stank,
Boney,	Hindman,	O'Connor,	Thompson, E. F.,
Brancato,	Hoffman, S. K.,	Ominsky,	Tronzo,
Broad,	Jirolanio,	O'Neill,	Walsh,
Brown, H. S.,	Keenan,	Powers,	Weiss,
Burris,	Kenehan,	Preston,	Welsh, E. B.,
Check,	Levy,	Readinger,	Welsh, M. J.,
Chervenak,	Long,	Reynolds,	Westrick,
Cohen, H. B.,	Lovett,	Rider,	Williams,
Corrigan,	Malloy,	Rooney,	

NAYS—116

Ackermann,	Fisher,	Lee,	Shearer,
Alspach,	Fiss,	Leisey,	Simons,
Atkins,	Fleming,	Leydic,	Sloan,
Auker,	Foor,	Lichtenwalter,	Snyder,
Balliet,	Freed,	Lyons,	Sollenberger,
Bardes,	Fullerton,	Madden,	Stambaugh,
Bennett,	Gates,	Marr,	Stewart,
Boorse,	Gillan,	McClester,	Stockham,
Boose,	Gillette,	McGarrity,	Sweeney,
Bower,	Goll,	McNally,	Tahl,
Boyd,	Habbyshaw,	McVay,	Taylor,
Bretherick,	Haines,	Montgomery,	Terry,
Bronson,	Hall,	Moser, F. S.,	Thistle,
Brown, S. W.,	Hamilton,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Harbeson,	Muir,	Tiemann,
Cadwalader,	Haudenshield,	O'Dare,	Trout,
Calvin,	Henry,	Peacock,	VanAllsburg,
Carpenter,	Hewitt,	Peale,	Voorhees,
Christler,	Hocke,	Reese, D. P.,	Wagner,
Cooper,	Hoffman, J. N.,	Rhodes,	Webster,
Cortese,	Hoyt,	Riley,	Wilkinson,
Curran,	Huntley,	Robertson,	Wilson,
Dalrymple,	Imbrie,	Rose,	Winner,
Denman,	Johnston,	Roseberry,	Wood, H. M.,
Dick,	Jones,	Royer,	Wood, L. H.,
Dix,	Kane,	Sarge,	Wood, N.,
Donahue,	Kline,	Schrock,	Woodside,
Eckels,	Knoble,	Seif,	Yeakel,
Ely,	Krise,	Serrill,	Turner,
Ewing,			Speaker.

So the question was determined in the negative and the amendments were not agreed to.

The Chair now lays before the House the amendment to Section 1, following line 20.

On the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Jirolanio and Mr. Powers and were as follows:

YEAS—62

Allen,	Falkenstein,	McLane,	Sarraf,
Allmond,	Fauset,	Melchiorre,	Scanlon,
Andrews,	Finnerty,	Mihm,	Schrope,
Baker,	Flanagan,	Mooney,	Schwab,
Balthaser,	Furman,	Moran,	Shaw,
Bohn,	Hess,	Munley,	Skale,
Boies,	Hindman,	O'Brien,	Stank,
Boney,	Hoffman, S. K.,	O'Connor,	Thompson, E. F.,
Brancato,	Jirolanio,	Ominsky,	Tronzo,
Broad,	Keenan,	Powers,	Walsh,
Brown, H. S.,	Kenehan,	Readinger,	Weiss,
Check,	Levy,	Reynolds,	Welsh, E. B.,
Chervenak,	Long,	Rider,	Welsh, M. J.,
Corrigan,	Lovett	Rosenfeld,	Westrick,
DeNote,	Malloy,	Rothenberger,	Williams,
Downey,	Malone,		

NAYS—123

Ackermann,	Ewing,	Krise,	Serrill,
Alspach,	Fisher,	Lee,	Shearer,
Atkins,	Fiss,	Leisey,	Simons,
Auker,	Fleming,	Leydic,	Sloan,
Balliet,	Foor,	Lichtenwalter,	Snyder,
Bardes,	Freed,	Lyons,	Sollenberger,
Bennett,	Fullerton,	Madden,	Stambaugh,
Boorse,	Gates,	Marr,	Stewart,
Boose,	Gillan,	Matthews,	Stockham,
Bower,	Gillette,	McClester,	Sweeney,
Boyd,	Goll,	McGarrity,	Tahl,
Bretherick,	Gorski,	McNally,	Taylor,
Bronson,	Habbyshaw,	McVay,	Terry,
Brown, S. W.,	Haines,	Montgomery,	Thistle,
Brunner,	Hall,	Moser, F. S.,	Thompson, G. R.,
Burris,	Hamilton,	Moser, J. L.,	Tiemann,
Cadwalader,	Harbeson,	Muir,	Trout,
Calvin,	Haudenshield,	O'Dare,	VanAllsburg,
Carpenter,	Henry,	Peacock,	Voorhees,
Christler,	Hewitt,	Peale,	Wagner,
Clark,	Hocke,	Reagan,	Webster,
Cooper,	Hoffman, J. N.,	Reese, D. P.,	Wilkinson,
Cortese,	Hoyt,	Rhodes,	Wilson,
Curran,	Huntley,	Riley,	Winner,
Dalrymple,	Imbrie,	Robertson,	Wood, H. M.,
Denman,	James,	Rose,	Wood, L. H.,
Dick,	Johnston,	Roseberry,	Wood, N.,
Dix,	Jones,	Royer,	Woodside,
Donahue,	Kane,	Sarge,	Yeakel,
Eckels,	Kline,	Schrock,	Turner,
Ely,	Knoble,	Seif,	Speaker.
	Kowalski,		

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such license of any class for each one thousand inhabitants or fraction thereof in any municipality exclusive of licenses granted as defined in this act but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitations prescribed by this act no new license except for hotels as defined in this act shall be granted so long as said limitation is exceeded

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 3, line 2, by inserting after the word "hotels" the following: "and clubs"

Amend Sec. 2, page 3, lines 5 and 6, by striking out the following: "Nothing contained in this section shall be

construed as denying the right to the" and inserting the word: "The"

Amend Sec. 2, page 3, line 7, by striking out the word "to" where it appears the first time in said line and inserting the word: "shall"

Amend Sec. 2, page 3, line 7, by striking out the word "to" where it appears the second time in said line

Amend sec. 2, page 3, line 12, by inserting after the word "hotels" the following: "and clubs"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third fourth and fifth sections and title were separately read and agreed to as follows:

Section 3 The Pennsylvania Liquor Control Board shall have the power to increase the number of licenses in any municipality after it has determined that the population of the municipality is not the true criterion of the number of persons who must be served in any such municipality particularly in municipalities located within resort areas

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

An Act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

The SPEAKER. If there is no objection the Chair will, under the agreement, lay before the House Bill No. 1125, Printer's No. 674.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1125, entitled:

An Act to further amend Sections 2 202 203 305 402 403 404 407 408 409 410 411 502 paragraphs (9) (10) and (14) of Section 602 paragraph (e) of Section 609 Section 610 paragraph (d) (2) of Section 611 and Section 701 of and to add Section 204 and paragraph (31) to Section 602 and paragraph (f) to Section 611 to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Dapartment of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by defining "district" establishing the force of regulations of the board creating district boards regulating the appointment of members thereof and defining their duties and powers requiring the further advertising of applications for licenses the issuance thereof and appeals from the decisions of the board providing for hearings by the district boards increasing fees for licenses further regulating the revocation and suspension of licenses and providing for the disposition thereof providing for the giving of a bond in order to make any appeal a supersedeas prohibiting the illegal use of purchase permit cards changing the hours during which clubs may sell liquor or malt and brewed beverages regulating licensees interlocking business and the issuance of permits for entertainment protecting the interests of holders of bailment leases and conditional sales contracts prescribing additional penalties for sales to minors and imposing duties upon municipalities

The SPEAKER. The Chair will follow the same procedure under the agreement, unless there is objection. The debate will be on all the amendments to House Bill 1125 and the bill in its entirety.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse or quarters for the use of members Continuous existence must be proved by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected

members and maintain such records as the board shall from time to time prescribe

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether rectified or diluted with or without water whatever may be the origin thereof and shall include synthetic ethyl alcohol but shall not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic including all drinks or drinkable liquids preparations or mixtures and reused recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor alcohol and malt or brewed beverages in this Commonwealth or elsewhere

"Municipality shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol or marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporations" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "Sell" shall include any transfer of liquor alcohol or malt or brewed beverages for a consideration

"District" shall mean a district over which a district board has jurisdiction Each county having a population of twenty-five thousand or more inhabitants shall constitute a district In the case of counties having a population of less than twenty-five thousand inhabitants two and not more than three counties may be joined together in one district in the discretion of the board and such counties need not be contiguous In counties of the first class there shall be four districts the territory of each of which shall be determined by the board In counties of the second class there shall be three districts the territory of each of which shall be determined by the board

On the question,

Will the House agree to the section?

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I recognize that it is utterly futile to utilize a lot of valuable time of the members. I also realize that possibly in ten or fifteen minutes everything that might be said can be said, and for that reason I will try to be as brief as possible in trying to prevail upon the members of the House to see the amendments that have been presented.

We all know that House Bill 1125, Printer's Number 674, is an amendment to the Liquor Control Act. It is a major piece of legislation and amends our liquor law in Pennsylvania. I think we all realize also that there is certainly a need for regulation and close supervision of this business which has become one of the largest pieces of business in Pennsylvania. It is generally known as the eighty million dollar business, and I am sure that no one in this House would want to do anything that would choke that business, or open any door in the business so that it would revert back to where it was during the days of prohibition.

I have presented amendments that go through the entire bill. We are discussing now the striking out of a provision that has been inserted by the majority party. None of the amendments insert anything new in the bill, what I have tried to do is to return the bill back to its original form.

There may be three particular headings that might be discussed as to House Bill 1125. First the question of district boards, next the question of an increase in license fees, and then an important thing, the question of the right of appeal.

On the question of the district boards we know in House Bill 1125 a district board is created for each district, having a population of 25,000, with the exception of Philadelphia and Allegheny counties. Philadelphia, as we know, has four boards and Allegheny county has three. There is nothing in the act as to how many employes these boards may have; there is nothing in the act that states how much it will cost the Commonwealth of Pennsylvania; there is nothing in the act that regulates, so far as this Legislature is concerned, what the cost of this thing will be to the people of the Commonwealth of Pennsylvania and Allegheny county. Before we pass this bill I think we ought to know at least approximately, and as far as it is humanly possibly, what it will cost the people of Allegheny county.

It may be argued that it will cost them nothing, because it will be paid for by the people who are buying liquor. I call to your attention the fact that the liquor business, whether you agree with it or not, is carrying a good load of the taxable property in Pennsylvania. If we did not get from the Liquor Control Board certain moneys for relief and other state expenditures we would have to get it from taxation from some other source. Therefore it is indirectly carrying the load that would have to be placed somewhere else. Then, on the question of district boards that has been raised throughout the state, the question of politics was raised, and a very naive

and novel situation arose. The bill originally provided that the President Judge of Common Pleas Court No. 1 of Philadelphia should name the nominees for the per diem members. The present judge stated he didn't want to do that, and when it was switched to give the power to the Senior Judge of the Board of Judges of Philadelphia County he said he didn't want it. The reason he doesn't want it is because it places the Board of Judges back in politics. If these two judges can change their opinions and decline to perform that task, when the members of the House legislate that one judge shall have that power, and that one judge says he doesn't want it, it seems to me that we ought to consult the President Judge of each county in the state of Pennsylvania, and have all the judges stand on the same footing. If His Honor, Judge McDevitt, who does not want to assume this task, can put the burden upon the Senior Judge of the Common Pleas Courts of Philadelphia county, then I think we ought to consult all the president judges throughout the entire state of Pennsylvania, if we want to be fair, and get an opinion from all of them. I think it is inevitable that putting the selection of these nominees for these per diem members into the hands of the judges is going to put this propositian right into politics, and I challenge any person in this House to refute that statement. I cannot say any more than has already been stated. I have, however, a very fine editorial which I would like to read into the record from the Evening Bulletin of Philadelphia, which is captioned,

"LIQUOR LEGISLATION."

There seems to be no motive behind the proposed drastic change in the liquor law except politics. As matters stand now, the Liquor Control Board manages the State Stores and issues all licenses to retail dealers. A bill in the General Assembly would take the privilege of issuing licenses out of its hands and give that power to district boards to be appointed by the Judges. There would be four licensing bodies in Philadelphia.

That would be a return to the old days when liquor was a strong influence in politics. The politicians have little or no control under present conditions. Employes of the State Stores are chosen from civil service lists. There is no pull involved in obtaining licenses. So the pending legislation was drafted to give them a hand in the matter.

In the days before prohibition, Pennsylvania had what was known as the Brooks High License Law. The saloons, wholesalers and brewers received permits from the Judges of the Courts of Quarter Sessions. Judges themselves are authority for the statement that they were subject to much pressure. Politicians and others concerned with obtaining liquor licenses interfered with the work of the courts, harassed the Judges and frequently sought to bring improper influence to bear upon them. The whole system was subject to criticism and talk of corruption was frequent.

Fault has been found with the present method of granting licenses. In many communities there are said to be too many of them, but economic conditions ought to remedy that complaint. Some barrooms have been located in residential neighborhoods, but that has always been a moot point about saloons. The objections to some bona fide clubs and one-man organizations operating as clubs are being cleared up. There have been fewer grounds for serious objections to the Control Board plan than to the old system.

But if district boards are to have power over licensing liquor selling, it will mean a lot of jobs. These will naturally go to the persons with political prestige and the former obnoxious political domination over liquor will return and naturally liquor dealers will strive for the upper hand in politics.

While the State Liquor Control Board has been criticized, it is fairly free from the type of influence that would weigh with the proposed district boards. If politicians and others interested in liquor did not hesitate to try to corrupt and otherwise obtain licenses from Judges in the old days, how much more will they be active in harassing the type of men who naturally would obtain the jobs of controlling privileges to sell alcoholic beverages.

Under no circumstances should Judges be brought into this business again. The issuance of all licenses should be retained under the jurisdiction of the Liquor Control Board. It is doing a good job which is improving constantly. It would be a mistake that probably will bring deep regrets if either major political party lends itself to throwing the retailing of liquor back into the hands of its henchmen.

Ladies and gentlemen of the House, I think this editorial of the Evening Bulletin states the situation clearer than I can. It is boiled down and hits the point as I see it as to putting politics back into the liquor business.

I should like to cover one other point that is mentioned in my amendment and that is about the right of appeal that says that a licensee who wishes to take an appeal to the courts must post a five hundred dollar bond, or cash. Now, under the present liquor law, under the law that will be amended if House Bill 1125 goes into effect, the licensee will still have to put up a two thousand dollar bond, and that bond can be forfeited for violation of the Liquor Control Act. Now we are going to say in addition to that, before he can go into court and have his appeal act as a supersedeas, so that he can continue his business, he must post five hundred dollars which will be forfeited if he does not win. Take the situation that we had in the western part of the state last week, when a very learned judge in Greene county construed a certain portion of the liquor control act in a way that it had not been interpreted before and of course, whether or not his interpretation is correct, it is the law as long as it stands, or until he is overruled. Judges are not perfect, they make mistakes. All licensees after this bill has been enacted would refrain from going into court for fear of losing five hundred dollars, and yet a judge comes out in 1939, after the act was passed in 1935, and interprets the law in a way in which he says, the right to go into court, whether it is the liquor business or any other business, is an American right which should be open to everybody alike and no man shall be penalized because he goes into court. By this bill he has something put before him which will deny him the right to go into court except under pain of losing a substantial sum of money. The courts ought to be open to everybody, and this Legislature of 1939, representing the people of Pennsylvania, should not close the courts to anyone, on pain of punishment if you do not win your case, whether it be the liquor business or any other business. We are confronted with a very vital fundamental issue in our American jurisprudence.

Therefore, Mr. Speaker and ladies and gentlemen of the House, since there are other members who want to talk on this subject, and in order to give them a chance, I will close by simply bringing to you this fine editorial in the Evening Bulletin, and I say to you, keep this eighty million dollar business out of politics, keep it where it is, keep the courts open for every man who wants to go in to them. If he goes in and if he loses the court has no right to assess the cost of the court action against him.

He should not be penalized before his case is determined in the court.

Mr. SKALE. Mr. Speaker and members of the House, this bill and the two companion bills are designed to regulate the liquor situation of Pennsylvania. Recently Governor James appointed to the Liquor Control Board Dr. Hitchler. There is no question that the Governor had confidence in the gentleman, otherwise he would not have made the appointment. He made the appointment feeling that certain things ought to be done in connection with the regulation of liquor. I desire to quote from one of the Pittsburgh newspapers, the Sun Telegraph, from the April 13 issue, which, in part, reads:

"Dean Hitchler's background indicates that he is a good man for the post. Governor James knows him well, for they have been friends since childhood, and there can be no doubt that the new appointee is in sympathy with the Governor's desire for an improvement in conditions in the liquor trade."

The other member of the board is Mr. Wagner, a gentleman who had thirty-one years or more experience in the liquor business prior to the prohibition era and he knows the business of purchasing liquor better than any man in this Commonwealth, and is a man, I believe, who is honest, fair and impartial. The third man on the board is also capable.

Members of the House, if there was no thought on the part of the Governor when he made the appointment of Dr. Hitchler and he did not indicate anything about removing any of the other members of the board, I think that we ought to be back of the Governor and retain centralized control of liquor where it is now. To put the control of liquor legislation in the county boards would certainly lead to graft and political corruption.

I desire also to read an editorial that appeared in the Philadelphia Evening Bulletin on May 2, and let me point out to those members who are not acquainted with the policy of the Evening Bulletin that the Bulletin is a conservative newspaper and independent. It is not dictated to and is not connected with any political organization and has no affiliation. I quote in part as follows under the heading of

"UNSOUND LIQUOR LEGISLATION:"

"It is an old political dodge to load desirable reforms with objectionable provisions that it is hoped to put over while public attention is distracted by the contemplation of the benefits promised. That appears to be the case with the amended liquor control legislation reported in three measures from committee to the House at Harrisburg."**

"Then there are abuses connected with clubs to be looked after. A closer attention to the proprieties in the location of drinking places in residence neighborhoods is also desirable.

"The liquor legislation now before the House promises advantages to the public on those lines. But it also proposes to set up a series of fifty district boards to help administer control. It is in essence a county control system, although Philadelphia will have four boards and in some cases smaller counties will be lumped together to form one district. County intervention means politics, and politics in enforcement means in the end wide opportunities for graft.

"Pennsylvania has now an excellent control system administered by a State board whose methods are showing increasingly beneficial results. It should continue to be the sole administrative body, without addition of an expensive and dangerous county setup. The State can better forego the advantages of the measure of reform offered in other directions than sanction so dubious a change."

In addition, members of the House, as the bill was originally written and subsequently amended it reposed the authority to make the appointments to these county boards, first on the President Judge of the Court of Common pleas of Philadelphia County. The President Judge is Judge McDevitt. Since this bill was publicized in the newspapers and brought to his attention, he immediately made a public statement to the newspapers in which he criticized the bill and said it was illogical. The bill was amended to read so that the President Judge of the Board of Judges of Philadelphia County would make the appointments. The President Judge of the Board of Judges is Howard A. Davis of the Court of Common Pleas No. 3 of Philadelphia County. Judge Davis immediately made a public statement in which he said that judges should not be tied up with politics.

Members of the House, what are we going to do about these bills and particularly this provision? The President Judge of the Common Pleas Court No. 1 does not want it, the President Judge of the Board of Judges does not want it, and if you pass the bill in its present form, Judge Davis won't, at least he has indicated that he doesn't want the job of making these appointments. I therefore suggest to you members that instead of bringing about a situation which might embarrass this Legislature after we adjourn, we support the amendment striking out this particular provision, contained in Section four of the bill, which amends Section two.

Members of the House, Mr. Homer S. Brown of Allegheny County has already pointed out that there is no restriction on the number of employes. Another thing: What will this permit the employe to do when he is not holding hearings? The bill does say that he shall have such other duties as the board shall prescribe, but since the only purpose of the county boards or the district boards is to hold hearings and determine the matter of granting licenses, after those duties are finished, what else will he do? The act says nothing about it. Per diem men who receive fifteen dollars a day, if they only work one or two days a week, will receive their fifteen dollars a day, and then on the other days, all that they have to do is report to the office and they get their fifteen dollars a day. You can easily see what this will lead to. In the end you will have a situation where men will be appointed for two or three months, receive the emolument of fifteen dollars a day and then resign in favor of another man, and so on around until each one receives political graft. Members of the House, as I stated to you before, the matter contained in these bills is a question of great importance. I feel that the present board is competent and able to regulate the matter of liquor control and what we should do is to keep the control there, give the present members of the Board more authority in enforcing the law, and in addition to that, members of the House, I understand, and I am reliably informed, that at the present time there are approximately 180 or 190 enforcement men connected with the Liquor Control Board. These men must cover the entire Commonwealth of Pennsylvania. You can readily see for yourselves that that number of men is insufficient for the complete and full control and enforcement of the Liquor Law. I feel

therefore that we ought to increase the number of men in the enforcement division so that they can have more opportunity and more time to properly enforce the law; centralize the enforcement of liquor control so that we can know where we can go when something critical or something embarrassing arises. I therefore suggest that you put aside party politics, put aside partisanship, whether it comes from one side of the House or from the other side of the House, look at this fairly, justly and equitably, support these amendments centralizing the control of liquor. I say this to you, members of the majority side, if you have any confidence in the Governor and his appointees to the Liquor Control Board, you should all support these amendments so that we will know where to go when anything is wrong.

Mr. LEVY. Mr. Speaker and members of the House, I am not in accord with the sponsors of the bill when by their inferences they attempt to mislead the House by stating that House Bill 1125 is a bill to promote enforcement of the liquor laws in the Commonwealth. I don't believe that the Republican organization in this House is content with the passage of the Van Allsburg bill on relief, placing relief into the realm of politics. They have once again attempted through House Bill 1125 to place the liquor business of the Commonwealth of Pennsylvania directly into politics. What other purpose could the sponsors of this bill have than the inclusion of liquor in politics when they create in House Bill 1125 a district board. Nothing has ever been said, and I defy any member of the House to state on this floor, that the centralized control of relief in the Commonwealth has not been according to the rules of the game. What other purpose could the sponsors of this bill have than to rip out the centralized power of an eighty million dollar business and place it into the hands of district boards appointed by politicians. Much has been said this afternoon regarding the statement of the Judge of the Common Pleas Court in Philadelphia, and much has been said regarding the statements in the press this morning relating to the statement of Judge Howard Davis of Philadelphia. Even if the judges in Philadelphia are willing to assume the responsibility of the appointment of these boards, I would say to the members of this House that we ought to be against it. I think that in the prerepeal days, we heard enough of the courts being in politics. I say to the Republican membership of this House, if they want to see a return of the days of prohibition they ought to pass this bill, because this bill will give to every temperance society in Pennsylvania the right to demand the repeal of liquor in Pennsylvania.

By House Bill 1125 district boards are created; four in Philadelphia. We are going to give Howard Davis, although he doesn't want it, the power to create four boards in Philadelphia which will have the sole power of saying whether a man secures a license or doesn't secure a license. What other thought could the Republican party in the House have by including in this bill a provision such as this; what is uppermost in their minds but to give back to the politicians in Philadelphia the right to dispense liquor licenses? I say to you Republican members of the House, if you care the least bit about the welfare of your party, you will strike that provision from this bill with the amendment of the gentleman from Allegheny, Mr. Brown.

The bill also provides for an increase in license fees. I want to tell the Republican membership of this House, they are not kidding any member of this House or the people of the Commonwealth by this inclusion of an increase in fees. On the one hand you are going to raise license fees twenty per cent, you are going to boost the cost of administering liquor in the Commonwealth three times the amount that is being spent at the present time, and on the other hand you are going to diminish the number of licensees in the Commonwealth as explained by my colleague, Mr. Skale. You are not going to get any more money in by increasing fees, because you are going to decrease the licensees in proportion to what the increase in the amount of fees will amount to.

Then we come to the right of appeal. The Republican organization provides in this bill in order for the poor taproom owner, and most of them are very poor today, to defend himself or take an appeal in the courts he must put up five hundred dollars and this politically dominated liquor board in Pittsburgh, or Philadelphia or Reading may say to him, because he doesn't comb his hair properly, or he doesn't wear the right kind of a tie he can't secure a license. They are going to penalize that poor individual in every city in the Commonwealth by saying: "Mr. X, you must put up five hundred dollars in cash or bond." I wonder what the Republican organization has in the back of its mind in that respect? I wonder if in the near future, if this bill is finally enacted, whether or not we will be confronted with a situation whereby the Republican ward leader will go to his district board, which will be composed of politicians, and say to them, "Don't deny Mr. X the right to have a license, because Mr. X is a friend of ours and he doesn't have the five hundred dollars for the right of appeal?" I tell you, members of the Republican party, if you want the return of prohibition, this bill will give it to us; if you men are sincerely advocating the return of prohibition, defeat the amendments offered by the gentleman from Allegheny. If you are sincere in the desire and in the belief that liquor control must be administered by a fair, impartial body, you will vote for these amendments; you will strike from this bill the right to create district boards, you will strike out the increase in fees which are unnecessary today in Pennsylvania and you will finally give to the people of Pennsylvania tighter liquor control laws and not looser ones.

Mr. JIROLANIO. Mr. Speaker and members of the House, I would like to say at the outset that I do not rise in order to use up the time of the members of the House. The minority party has agreed to conform with the desires of the other members of the House not to debate at length all of these amendments and to expedite this liquor legislation as much as possible.

I rise at this time to defend this amendment which I think should be brought to the attention of the members of the House.

The first speech by the minority was made by the gentleman from Allegheny, Mr. Homer S. Brown, who is respected, and esteemed by each and every member of this House. He distinctly told you of the attitude of the judges of the various courts. You have heard the Representative from Philadelphia, Mr. Levy, tell you something with reference to the courts of Philadelphia County. You have heard from these gentlemen just what effect these district boards will have—that you will place politics in the liquor business. There is no question in

my mind whatsoever that Pennsylvania today has three fine men at the head of the Pennsylvania Liquor Control Board; there is no question as to the integrity and the ability and the conscientiousness of those three men, and there is no question in my mind but that they will attempt to do everything that is right within their power.

On the question of the district boards you have heard it said that this is not done with a political viewpoint. I want to say to the members of this House, if they feel that politics should not have any place in liquor enforcement, I have an amendment with reference to the district boards that will take out the question of politics. One of the amendments which I have offered, which will be read by the Clerk, says this, that the members of the Pennsylvania Liquor Control Board shall have the right of appointing two men to the district board and those men shall be one from each of the major political parties. In other words, I am saying in my amendment this: "We have seen fit to entrust an eighty million dollar industry to the Pennsylvania Liquor Control Board, we think they are qualified, therefore if we must have district boards, then let the Pennsylvania Liquor Control Board select the men whom they see fit" because after all, in the final analysis, we members of the Legislature and the citizens of the state of Pennsylvania hold the members of the Pennsylvania Liquor Control Board responsible for the effective enforcement of the act, and the way in which the Pennsylvania Liquor Control Board enforces the act. I say to you, members of the House, if you are interested in good government, you should vote for this particular amendment. You have heard much said as to the question of supersedeas; you have heard various members attack the principle that you are attempting to enact into this bill wherein a person who desires to question a decision against him is forced to put up a bond of five hundred dollars. I want to say to the members of this House that they can't show me anywhere in the law of Pennsylvania anything as unethical as that. I say to you gentlemen that this State has derived more money from the sale of liquor than from any other thing in the past six years.

There is another amendment which I have submitted for the consideration of this House. Today, although men have invested quite a sum of money in their business, it appears that the time when they can actually earn a better livelihood than at any other time is on Saturdays. However, they are required to close their places of business at midnight on Saturday. I am proposing an amendment which would allow retailers to sell until one o'clock Sunday morning. You may say that is infringing upon the laws of the Sabbath. I say to you gentlemen you certainly would have enough time to go to bed, get up and attend your church if you felt like it. This amendment gives the man who is in business a legal chance to earn a few dollars which he needs at this present time. I cannot understand for the life of me why, when the Republican party is concerned so much about helping business, especially small business, it forgets the man who sells liquor, bearing in mind the interpretation of the courts of the rules and regulations of the Pennsylvania Liquor Control Board, that you shall not primarily be interested in the sale of liquor in your business that must be a secondary matter, and for that you can ask the Chief of the legal staff of the Liquor Control Board.

There is something else, members of the House. The Pennsylvania Liquor Control Board is entrusted with the enforcing and carrying out of this act yet the members of the majority party have not seen fit to call upon, and get the advice of the members of the Pennsylvania Liquor Control Board. I say to you if anything is a flagrant disregard of the Board members, it is the fact that the House of Representatives is passing enactments for the control of liquor in the Commonwealth of Pennsylvania without consulting those men whose duty it is to carry out the provisions of the act. Gentlemen, that to me is something that I can hardly understand. Although you have placed men in control of this work whose character and ability is above reproach you say to them, "Although you are responsible for the carrying out of this act, we don't trust you, we will not take the advice you are willing to give, we will allow men who know nothing about the carrying out of this act, who have never been in the liquor business to come in and write into an act that which they think should be the law."

There is another amendment I have introduced and it applies to something that occurs very, very frequently during the summer, and it applies equally to the Democratic and Republican parties. I will take my county as an example. During the summer time, clubs hold picnics in Northampton county, both the clubs of Democrats and Republicans. They hold affairs which men running for public office and even the Chief executive attend. These affairs are illegal, but what happens? Nothing is done because the infraction is trivial and they permit the affairs to be held. I have proposed an amendment which will give the clubs an opportunity to hold three picnics a year on the premises on which they have a license to operate, but before they can do that they must apply to the Board for permission. They must pay a fee and the license for that purpose is good for only a period of twenty-four hours. I want to say to the members of this House, let us legalize something which is being done illegally in your county and my county. There is no use in your saying to me and my saying to you that that is not so. I say that ninety-five per cent of the counties in Pennsylvania hold such affairs on Sundays and other days of the week where intoxicating beverages are distributed. If we think that it is all right for these affairs to be held —if we think it all right to attend these functions, let us be men, let us make it legal. The idea that liquor legislation be a partisan issue does not appeal to me. All the members of the majority that were members in 1937, will recall that I was one of the men who backed what was then known as the bill to permit package sales in Pennsylvania and with the assistance of men like Representative Kane and other fellows, we defeated that amendment. That showed that the Democrats in 1937 did not make liquor legislation a partisan issue. I believe that today there are members of the Republican party who down in their hearts feel they should vote for some of the amendments I have introduced, but don't have the intestinal fortitude to stand up and voice their opinion. They are far worse than the Democrats were. In 1937 I stood in this very Hall and heard the minority leader say how the Democrats voted like a bunch of cattle, they voted when and how their dictator, David Lawrence, saw fit, yet today, the very thing that the then minority leader said was not right is being done by the majority party. I don't think it is possible that all the members who

represent the majority party can have the same thought in the same way. I say, members of the House, let us forget that we are Democrats, let us forget that we are Republicans, let us remember the fact that we are here representing the citizens of the state of Pennsylvania, let us be men, let us vote our consciences for once in this Session of 1939.

Mr. ROSENFELD. Mr. Speaker and members of the House, in rising to comment on this bill I am afraid I will have to disagree with some of my colleagues on this side of the House. I do not favor nor do I approve a county board system. I feel that the system ought to be centralized in the state. However, I have confidence, I have respect for the members of our Board of Judges in Philadelphia. I feel that in order to avoid any accusation of politics, it would be wise under the present system, if there has to be a county board, to place the appointive power in the Board of Judges instead of placing the power of appointment in one particular judge. As I said a moment ago, I have the utmost respect for every member of our bench in Philadelphia, and I feel that they should not be accused of politics in this connection. I feel that the best way to solve this situation is by giving the entire power with regard to the district boards to the Board of Judges. I thank you.

Mr. CURRAN. Mr. Speaker and members of the House, the gentlemen on the other side who have debated the amendments seem to me most of the time to have their tongues in their cheeks. They have attempted to be very helpful to the Republican party in its approach to this program and at the same time their amendments when examined, would take out of the bill every feature we have recommended and written into this particular bill. They have also indulged in a great number of misstatements of fact. I don't know whether they read the bill or not, whether they understand its purpose. First of all I would like to say to you gentlemen that our approach to this problem carries out not only the platform of the Republican party but the mandate of the people which was given to us on last November 8th. Our platform provides, and that is the beginning of our approach to this problem on liquor control:

> "We pledge rigid and honest control of the liquor traffic. Licensing must be made more responsive to local needs and opinions, both for the protection of communities and of reputable persons engaged in this business."
>
> "We pledge close supervision of tap rooms and road houses for the protection of our young people and of the interests and rights of the public at large."

Members of the House we had that thought in mind when we approached this problem and attempted to solve it in this bill. We all realize, first of all, that there have been too many licensed establishments in the Commonwealth of Pennsylvania, and that not only chislers but many types of individuals who really have no right to have licenses are engaged in the business. The purpose of this bill is to cut down the number of licensed establishments in the state of Pennsylvania, and to make the control and the enforcement of the liquor laws more responsive to local needs and local conditions. It is with that thought that we have provided for a district board in each district as set forth under this bill.

The members on the other side would have you believe that those district boards issue licenses. They do not. Those district boards, the personnel of which is determined in the first instance by the President Judges in the various districts, are appointed by the Liquor Control Board at Harrisburg. The Liquor Control Board at Harrisburg either selects the appointees from that list or they can reject the list, if you please, if they are not satisfied with them, if the President Judge of any particular county does not see fit to name nominees, then the board at Harrisburg can appoint two reputable and outstanding citizens in each county to advise the board. That is the purpose of this bill, to get away from remote control in Harrisburg and give our local communities something to say about who should have license and what particular place shall be licensed, keep licenses out of our residential sections, away from our schools and our churches, away from our hospitals and our public playgrounds. That is the purpose and intention of having district boards, not with the idea that they shall issue licenses, but merely to act in an advisory capacity.

Much has been said by the gentleman from Allegheny about the provision in the bill which requires a licensee whose license has been revoked by the action of the Liquor Control Board after a violation of the law to put up a five hundred dollar bond. Gentlemen, that is in keeping with all of the provisions of this act which tightens up on the control and enforcement of this law in the state of Pennsylvania. That provision has been misconstrued. In the first place, let me say to you that no one has the right to have a liquor license. It is a privilege which is given to a citizen of the state and that privilege may be surrounded by any regulation or restriction which the state wants to place on it. Therefore, a man has no property right in a license; he has a mere privilege, and the privilege to retain a license so long as he continues to keep the law. If he violates the law, his license is revoked and if he wants to appeal to the courts, we have given him a greater right of appeal than he has under the present law. We say further if a man wants to keep his licensed establishment open for six or eight months during the determination of that appeal by the courts, he shall put up a bond for the privilege of remaining open and doing business. We have approached that situation in a straightforward manner. We have taken out the back door approach which was put into the law in 1937. If a man violated the law his license was suspended for a certain number of days and he could come in and compromise with the board by the payment of ten dollars a day during the period of his suspension. Of course, only certain people were given that right of compromise and they paid for the privilege of being open. I say they should put up a bond if they have confidence in their case and want to appeal it to the courts, and that is why we put in that provision. I don't believe you can wrap the Constitution around it either. It applies to everybody in the State. If a man wants to take an appeal, if he wants to close his estabment after his license has been revoked, he can appeal to the courts while his establishment is closed and there is no necessity for giving a bond.

Much has been said about what some newspapers have said about this proposed law. I would just like to quote for a moment the last paragraph of an editorial which appeared in the Harrisburg Telegraph, and which is quoted from the Johnstown Democrat. The editorial reads as follows:

"The paramount issues, insofar as liquor legislation is concerned are these:

"A drastic reduction in the number of licenses.

"Legislation which will make it possible to eliminate the undesirable type of licensed place.

"Legislation which will insure the efficient policing of the liquor business.

"The protection of the legitimate club against the sweep of local option sentiment.

"Tell the average member of the average club Prohibition is a menace which hangs low upon the horizon and he will probably laugh at you. Nevertheless, that is a fact. Given four more years like the last four and prohibition, instead of being a menace will be a fact. The clubs and the retailers should not ask too much lest eventually they receive nothing."

Gentlemen, this bill that we have prepared is a sincere effort on the part of our Committee to tighten up on the liquor business in the state of Pennsylvania. Nothing in this bill disturbs the Pennsylvania Liquor Stores. I think that is a fine system. We know it has been copied by a great many other states and we believe that this bill, when it becomes a law, will give to all of the people of Pennsylvania a better system of liquor control and liquor enforcement. I therefore ask you to vote down all of the amendments which have been offered to this bill.

Mr. HOMER S. BROWN. Mr. Speaker and ladies and gentlemen of the House, in answer to the gentleman from Delaware, Mr. Curran, when he says we would try to destroy all of the features of the bill and accuses us of not reading the bill, I think he is in error, because I presented my amendments to the Chairman of the Liquor Control Committee and I presumed he presented them to the gentleman from Delaware several days ago, and we were in hearty accord in saving a good part of the bill.

I call the gentleman's attention to page 9, new paragraph (k) beginning with line 26, which of course is not disturbed by the amendments.

I call his attention also to page 16 of the same bill, beginning in line 7 down to line 27, which has to do with licenses wholesale purchase card and we intend to strengthen that, because we think it is a good provision. The only thing the amendment does to that provision is in line 17, page 16. The amendment provides two words shall be inserted so that it shall read as follows: "Any licensee who willfully and knowingly uses his purchase permit card" and so on.

How can he condemn all of the amendments simply because his mind is beclouded on the question of district boards. If it were possible that these amendments could be given serious consideration, either in the Committee or on the floor of the House, there would be some perhaps that would not touch on the district boards. There is an amendment that I don't think can be harmful to anybody. As it reads at present it says, "Any licensee who uses his purchase permit card." I think he ought to be given a chance and he ought not to be penalized unless it is proven that his card was used to defeat the purpose of the act, which would amount to defrauding the Commonwealth of Pennsylvania. When the gentlemen says that the Constitution is being wrapped around the bill, I don't know what he is talking about. No one has raised a constitutional question here. Whether or not that is just something thrown out to act as a smoke screen I do not know, but if the gentleman from Delaware has any impression that I intended to cast any reflection upon the Republican party or any other party, I publicly ask his apology, because as I recall I said nothing in my remarks about any party and never have upon the floor of this House. Therefore, I say to the gentleman from Delaware perhaps it would be wise for him to read the bill and the amendments together, and if he does so he will not cast any reflection upon some of us on this side of the House.

I also call his attention to the statement prepared by the Liquor Control Committee of this House in which it designates the duties of the district boards, and one of them is that refusal on the part of the board to renew a license shall be final. No one says that district boards shall issue licenses, but when it refuses to issue a new license, then of course, that is almost tantamount to denying a license, because the Liquor Control Board will sustain the district boards.

Therefore, Mr. Speaker and members of the House, I think we attacked this problem with as much earnestness and with as much sincerity as the gentlemen on the other side of the House, and I personally feel if the gentleman believes it was a question of politics, he certainly is wrong in his opinion. Of course, when we read as to how the district boards can be selected, where the nominees can be submitted once and be rejected, can be submitted twice and be rejected, and then the board goes on and makes the appointment, the rather reasonable inference would be that where a Democratic judge presided, the probability would be that he would keep the appointments in his own party. However, I am not arguing that, it is immaterial to the bill. They can take that as an argument if they wish, but our position here is to save the liquor business for the citizens of the Commonwealth.

The SPEAKER. The Chair requests the gentleman from Greene, Mr. Furman, to preside.

MR. FURMAN IN THE CHAIR

Mr. CURRAN. Mr. Speaker and members of the House, in answer to the gentleman from Allegheny, when I said the amendments offered by the opposition, or by the minority, completely emasculated the bill, I meant all of the amendments as a whole. Of course, the amendments offered by the gentleman from Allegheny merely took the heart and soul out of the bill and I still ask you to vote down all of the amendments.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Curran.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. CURRAN. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, did the gentleman have an opportunity to read the amendments offered to House Bill No. 1125 by me?

Mr. CURRAN. Mr. Speaker, I have not had the opportunity.

Mr. JIROLANIO. Mr. Speaker, then how can he make the statement that the amendments I offered will completely emasculate the bill, when he doesn't know what I have offered?

Mr. CURRAN. Mr. Speaker, in answer to the gentleman from Northampton I would say that I have glanced at the amendments and they have been examined by one of the members of our Committee. When I speak of the

amendments emasculating the bill I mean the amendments in their entirety offered by the minority.

Mr. JIROLANIO. Mr. Speaker, isn't it a fact that the way the bill is now written a new applicant for a license would have to be heard before the district board?

Mr. CURRAN. Mr. Speaker, all applications, both for new licenses, transfers of existing licenses and renewals of existing licenses would be heard in the first instance by the district board.

Mr. JIROLANIO. Mr. Speaker, does the applicant have the right of appeal?

Mr. CURRAN. Mr. Speaker, the answer is that if the district board advises against the issuance of a new license there is no right of appeal.

Mr. JIROLANIO. In other words, Mr. Speaker, the gentleman is saying, no.

Mr. CURRAN. Mr. Speaker, I am saying that if the district board advises the state board against the issuance of a new license there is no right of appeal.

Mr. JIROLANIO. Mr. Speaker and members of the House, in the debate that took place between the minority and the gentleman from Delaware, never have I heard an acknowledgment of the real facts and issues. In his statement, the gentleman from Delaware, said that his Committee did this and did that, which bears out the statement I made that the members of the Pennsylvania Liquor Control Board were not consulted. Then he went on and said what the program of the Republican party was, what their pledge was, what they would do with the liquor laws to bring about a better condition. I wonder if the program of the Republican party said they were going to raise the license fees of all retail licensees in the state of Pennsylvania? I would like to know from him and the Republican party whether they had reason to believe that the laws, at least with reference to the license fees, should remain as is? I wonder whether or not the promise he is talking about is the same kind of a promise that was made during the campaign as to our relief rolls which are gradually increasing more and more? It seems to me and it appears from the statement of the gentleman from Delaware that he, together with several other persons, wrote into the act we are now considering, whatever they saw fit, so much so that in the beginning when this bill was being considered the members of the minority party were not even invited by the Chairman of the Committee to attend the meetings. I ask you whether or not that is the principle upon which the state of Pennsylvania should have laws enacted? I say to the gentleman from Delaware that he certainly is not representing the people of the state of Pennsylvania, he is representing himself from a selfish viewpoint and is not considerate of the rights of the people of the state of Pennsylvania.

Mr. LEVY. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Curran.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. CURRAN. I shall, Mr. Speaker.

Mr. LEVY. Mr. Speaker, Mr. Curran a few moments ago in his address before the House made this statement: He said that a man who had been cited before the board and who was about to have his license revoked, when he made an appeal from the decision of the board would have eight, ten or twelve months time in which to keep his place open pending that appeal. Is that the statemen the gentleman made?

Mr. CURRAN. Mr. Speaker, no, certainly not.

Mr. LEVY. Mr. Speaker, then what did the gentleman say?

Mr. CURRAN. Mr. Speaker, I said there were incidents called to the attention of our Committee, particular incidents that arose in Philadelphia where the Liquor Control Board after a hearing revoked a license, the licensee appealed to the court, and it would take four, six or eight months for the determination of that appeal, during all of which time the licensee's establishment remained open.

Mr. LEVY. Mr. Speaker, to the knowledge of the gentleman as a member that Committee, and sponsor of House Bill No. 1125, how many instances does he know of where an appeal has taken eight, ten or twelve months for determination?

Mr. CURRAN. Mr. Speaker, I do not know of any particular instance. I did not cite any instances. I simply stated that evidence was produced before our Committee that there had been many such instances, particularly in the city of Philadelphia.

Mr. LEVY. Mr. Speaker and members of the House, in an address before the House the sponsor of this bill stated that it takes between eight and ten months before an appeal to be determined by the courts, then he said there might be a few instances which were brought before the Committee, and upon further interrogation he said there were many instances, and yet, as a member of this House, who is very vitally interested in this piece of legislation, he knows no particular instance.

I want to submit to the membership of this House that to my knowledge in Philadelphia at the present time, and if Mr. Curran were acquainted with the act of 1937 he would know, that in order to make an appeal valid after the Liquor Control Board has rejected a license, the appeal must be made within so many days, and after the appeal is made to the court, I of my own knowledge, have never known the court to dilly dally around with a man's license or hold him in jeopardy for eight or ten months.

Members of the House, I think the sponsor of this bill has made a very weak argument against the amendments offered by the gentleman from Allegheny. The gentleman from Allegheny speaks to the House and says, "I want you to adopt my amendment concerning this five hundred dollars." The sponsor of the bill answers very weakly and the fact remains that the sponsor of the bill does not know the act of 1937. The sponsor of the bill admits that he knows of no specific instance wherein an appeal has been lying in the court for from eight to ten months. I submit to the membership of this House that this bill is not sponsored by interests that are desirous of effective liquor enforcement in the Commonwealth of Pennsylvania. If the Republican membership, and I know there are some on the other side of this chamber who do not believe that House Bill No. 1125 is as Mr. Curran has pointed out, because in his entire address he did not prove his statement, if they don't want a bill sponsored by interests that are against liquor in Pennsylvania, are not for stricter enforcement—I am only sorry I did not ask the gentleman from Delaware whether the Anti-Saloon League had any interest in drafting this piece of legislation—I say to those Republican members it is their duty, irrespective of what has happened, to tell their con-

stituents in very plain language that although they do not drink themselves, they were in favor of modification of this prohibition racket. I say to them if they are sincerely of the same opinion this afternoon, they will vote to support the amendments of the gentleman from Allegheny.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Greene, Mr. Furman.

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 2), page 7, lines 14 to 25, by striking out with heavy-faced brackets all of said lines

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, would it be possible to have a roll call on this first amendment and then dispense with the roll call on the balance of the amendments. I want to conserve the time of the House, but I do want to get a roll call on one of these amendments?

The SPEAKER. The roll will be called.

The yeas and nays were required by Mr. Homer S. Brown and Mr. Westrick.

Messrs. Baker, Mihm and Skale asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—73

Achterman,	Fauset,	Malone,	Rooney,
Allen,	Finnerty,	McLane,	Rosenfeld,
Allmond,	Flanagan,	Melchiorre,	Rothenberger,
Baker,	Furman,	Mihm,	Sarraf,
Balthaser,	Gorski,	Mooney,	Scanlon,
Bohn,	Harkins,	Moran,	Schrope,
Boies,	Hess,	Munley,	Schwab,
Boney,	Hindman,	O'Brien,	Shaw,
Brancato,	Hoffman, S. K.,	O'Connor,	Skale,
Broad,	Holland,	O'Keefe,	Stank,
Brown, H. S.,	Jirolanio,	Ominsky,	Thompson, E. F.,
Check,	Keenan,	O'Neill,	Tronzo,
Chervenak,	Kenehan,	Powers,	Walsh,
Cohen, H. B.,	Kilroy,	Preston,	Weiss,
Cohen, R. E.,	Levy,	Readinger,	Welsh, E. B.,
Corrigan,	Long,	Reese, R. E.,	Welsh, M. J.,
DeNote,	Lovett	Reynolds,	Westrick.
Downey,	Malloy,	Rider,	Williams,
Falkenstein,			

NAYS—125

Ackermann,	Ely,	Krise,	Serrill,
Alspach,	Ewing,	Lee,	Shearer,
Andrews,	Fisher,	Leisey,	Simons,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bennett,	Freed,	Madden,	Stambaugh,
Boorse,	Fullerton,	Marr,	Stewart,
Boose,	Gates,	Matthews,	Stockham,
Bower,	Gillan,	McClester,	Sweeney,
Boyd,	Gillette,	McGarrity,	Tahl,
Bretherick,	Goll,	McNally,	Taylor,
Bronson,	Habbyshaw,	McVay,	Terry,
Brown, S. W.,	Haines,	Montgomery,	Thistle,
Brunner,	Hall,	Moser, F. S.,	Thompson, G. R.,
Burris,	Hamilton,	Moser, J. L.,	Tiemann,
Cadwalader,	Harbeson,	Muir,	Trout,
Calvin,	Haudenshield,	O'Dare,	Van Allsburg,
Carpenter,	Henry,	Peacock,	Voorhees,
Christler,	Hewitt,	Peale,	Wagner,
Clark,	Hocke,	Reagan,	Watkins,
Cook,	Hoffman, J. N.,	Reese, D. P.,	Webster,
Cooper,	Hoyt,	Rhodes,	Wilkinson,
Cordier,	Huntley,	Riley,	Wilson,
Cortese,	Imbrie,	Robertson,	Winner,
Curran,	James,	Rose,	Wood, H. M.,
Dalrymple,	Johnston,	Roseberry,	Wood, L. H.,
Denman,	Jones,	Royer,	Wood, N.,
Dick,	Kane,	Sarge,	Woodside,
Dix,	Kline,	Schrock,	Yeakel,
Donahue,	Knoble,	Seif,	Turner,
Eckels,			Speaker.

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 Section two hundred two of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the board subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 202), page 8, lines 7, 8 and 9, by striking out with heavy-faced brackets the words "Such regulations adopted by" in line 7, and all of lines 8 and 9

Amend Sec. 2 (Sec. 202), page 8, line 10, by striking out with heavy-faced brackets the light-faced bracket before the word "Whenever"

Amend Sec. 2 (Sec. 202), page 8, line 16, by striking out with heavy-faced brackets the light-faced bracket after the word "thing"

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 2), page 4, line 14, by inserting after the word "activity" the following: "social or other"

Amend Sec. 2 (Sec. 2), page 5, line 2, by inserting after the word "records" the following: "of its membership and its licensed business"

Amend Sec. 2 (Sec. 2), page 4, line 14 by inserting after the word "primary" the following: "social or other"

Amend Sec. 2 (Sec. 2), page 5 line 2 by inserting after

the word "records" the following: "of its membership and its licensed business"

Amend Sec. 2 (Sec. 202), page 8, lines 1 to 7 by striking out with light-face backets the following: beginning with the word "The" in line 1 and ending with the word "advisable" in line 7

Amend Sec. 2 (Sec. 202), page 8, lines 7, 8 and 9, by striking out with heavy-face brackets the following: "Such regulations adopted by" in line 7, and all of lines 8 and 9, and inserting in lieu thereof: "The board may, from time to time, make such regulations as it may deem necessary for the efficient administration of this act. Such regulations shall be uniform, reasonable and consistent with this act and shall be mailed to all affected licensees and permittees and others who may request the same and otherwise published and disseminated as the board sees fit. Such regulations shall not become effective until ten days after issuance. Where regulations are made affecting licensees, such regulations shall be limited strictly to the conduct of the licensed business. The board's power shall be limited to the provisions of this act and the regulations lawfully issued thereunder on subjects permitted to be regulated by the board."

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 Section two hundred three of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase as provided in this act of liquor and alcohol and its supply to Pennsylvania Liquor Stores

(d) The classes varities and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varities or brands of liquor and alcohol kept for sale by the board under this act

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses and permits and the conduct management sanitation and equipment of places licensed or included in permits

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and in the case of nonresident vendors the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses

(k) Prohibiting agents employes and representatives of vendors dealing with the board from directly or indirectly granting allowing or giving any rebate in the form of cash merchandise or thing of value to any licensee his agents or employes to induce purchases from Pennsylvania Liquor Stores or to handle the products of such vendor and it shall be the duty of the board to adopt and promulgate such regulations and provide for their enforcement

The fourth section was read as follows:

Section 4 Said act is hereby amended by adding after section two hundred three a new section to be known as section two hundred four and to read as follows

Section 204 District Boards (a) In each district there shall be a district board composed of three members who shall be appointed by the board One of said members shall be a permanent employe of the board and two of said members shall be per diem employes

(b) The members of said district boards shall be residents of the district for which they are appointed except that in districts composed of two but not more than three counties each county shall be represented by at least one resident member

(c) The two per diem members of district boards shall be appointed from among nominees submitted to the board by the president judge of the court of common pleas of the county comprising the district or within which the district is located except that in counties of the first class the nominations shall be made by the judge of the court of common pleas Senior in Commission and except that in districts comprising more than one county nominee shall be submitted by the president judge of each county comprising the district in the case of districts coextensive with counties and districts within counties of the first and second classes the president judge shall nominate for appointment as the per diem members of district boards at least six nominees for each district who shall be equally divided as members of the two major political parties In the case of districts comprising two but not more than three counties the president judge of each county shall submit to the board at least two nominees equally divided between the two major political parties

(d) In case the board shall refuse to appoint the two members of the board from the nominees first submitted or shall appoint only one member from the nominees so submitted it shall request the president judge to submit such additional number of nominees equally divided among the major political parties as it shall fix In case the board shall refuse to appoint the member or members from the second list of nominees or in case a president judge shall fail or neglect to submit any nominations it shall make appointments in its discretion without further nominations or without any nominations by the president judge

(e) The annual compensation of the full-time member of a district board shall be as follows In districts having a population of less than fifty thousand inhabitants twenty-four hundred dollars ($2,400) in districts having a population of fifty thousand and more but less than one hundred thousand inhabitants three thousand dollars ($3,000) in districts having a population of one hundred thousand or more inhabitants thirty-six hundred dollars ($3,600) The compensation of the per diem members of district boards shall be fifteen dollars ($15.00) for each day actually employed in the performance of their duties The members of the district boards shall be reimbursed for all expenses actually incurred in the discharge of their duties

(f) The members of district boards shall be exempt from the provisions of section three hundred two of this act relating to the selection of the personnel of the board but no member of a district board whether a full-time or per diem member may be removed by the board except for inefficiency neglect of duty misconduct in office or political activity He shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice If the board shall remove any member after hearing it shall file with the Governor a complete statement of all charges made against such member and its findings thereon together with a complete record of the proceedings

(g) It shall be unlawful for any person to influence or attempt to influence for any purpose whatever the action of a president judge in making a nomination to the district board or to request suggest or solicit a president

judge to nominate any person to the district board or for any person to influence or attempt to influence in any manner whatever the board or any member thereof in appointing any member of a district board or to request suggest or solicit the appointment of any member of a district board or for any person to oppose in any manner whatever the nomination or appointment of any person as a member of a district board or for any person to attempt to influence directly or indirectly the action of any member of a district board or to approach any member of a district board for such purpose Whoever violates any of the provisions of this clause is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or undergo imprisonment for a term not exceeding six (6) months or both

(h) It shall be the duty of the district boards to hold all hearings within their respective districts involving retail dispensers' licenses and club licenses for the sale of malt beverages and hotel liquor licenses restaurant liquor licenses and club liquor licenses All hearings on applications for new licenses of the type hereinbefore mentioned and applications for renewals and transfers and all proceedings under the provisions of this act for the suspension or revocation of licenses of the kind hereinbefore mentioned shall be held before district boards of the district in which such licensed premise or proposed licensed premise is located Each member of a district board shall have power to administer oaths to applicants and witnesses before all hearings of the board

(i) Each district board shall take complete notes of testimony of all hearings and have them fully transcribed The applicant for a license or any licensee in person or by counsel may cross-examine the witnesses appearing at any hearing and may present evidence which shall likewise be subject to cross-examination by any member of the district board or any other employe of the board

(j) The district boards shall consider the testimony given before them at any hearing and make findings of fact and recommendations which shall be advisory only to the board except in the case of applications for new licenses of the kind hereinbefore mentioned in which case the recommendations of a district board against the grant of a license shall require the board to refuse such license but if a district board shall recommend the grant of a new license its recommendation shall be advisory only and the board shall make the decision whether or not a new license shall be granted

(k) The full-time member of each district board shall when not engaged in hearings provided for in this act perform such other administrative duties as the board may prescribe

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Sec. 204), page 10, lines 5 to 29, by striking out with heavy-faced brackets all of said lines

Amend Sec. 4 (Sec. 204), page 11, lines 1 to 29, by striking out with heavy-faced brackets all of said lines

Amend Sec. 4 (Sec. 204), page 12, lines 1 to 29, by striking out with heavy-faced brackets all of said lines

Amend Sec. 4 (Sec. 204), page 13, lines 1 to 29, by striking out with heavy-faced brackets all of said lines

Amend Sec. 4 (Sec. 204), page 14, lines 1 to 18, by striking out with heavy-faced brackets all of said lines

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Sec. 204), page 10, lines 19 to 29 by striking out with heavy-face brackets the following: beginning with the words "from among nominees" in line 19 and all of lines 20 to 29

Amend Sec. 4 (Sec. 204), page 11, lines 1 to 21 by striking out with heavy-face brackets the following: all of said lines and inserting in lieu thereof: "by the Liquor Control Board. There shall be one man from each of the two major political parties"

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4 (sec. 204), page 10, lines 25 and 26 by striking out with heavy-faced brackets the following: "The Judge of the Court of Common Pleas Senior in Commission" and inserting in lieu thereof "Board of Judges"

Amend sec. 4 (sec. 204), page 11, line 1 by inserting after the word "first" the following: "class, the Board of Judges"

Amend sec. 4 (sec. 204), page 11, line 1 by inserting after the word "and" the following: "in counties of the"

Amend sec. 4 (sec. 204), page 11, line 1, by striking out with heavy-faced brackets the word "classes" and inserting in lieu thereof the word: "class"

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, I desire a separate vote on the amendments I offered.

The SPEAKER. The question will be divided.

Mr. JIROLANIO. Mr. Speaker, the amendment I offered related to one man from each major political party on the district board, and that is the only amendment I offered to the section.

The SPEAKER. A division of the amendments having been requested, the Chair will lay before the House the amendments offered by the gentleman from Allegheny, Mr. Brown, and the gentleman from Philadelphia, Mr. Skale, to Section 4.

On the question,

Will the House agree to the amendments?

They were not agreed to.

The SPEAKER. The Chair lays before the House, the amendment offered by the gentleman from Northampton, Mr. Jirolanio.

On the question,

Will the House agree to the amendments?

Mr. JIROLANIO. Mr. Speaker and members of the House, this amendment only has to do with the district boards, providing for the appointment of one man from each political party. This amendment I am asking the members of the House to vote for. In my opinion it is taking politics out of the Liquor Control Board.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Jirolanio and Mr. Hess and were as follows:

YEAS—76

Achterman,	Donohoe,	Lovett,	Reynolds,
Allen,	Downey,	Malloy,	Rider,
Allmond,	Falkenstein,	Malone,	Rooney,
Andrews,	Fauset,	McLane,	Rosenfeld,
Baker,	Finnerty,	Melchiorre,	Rothenberger,
Balthaser,	Flanagan,	Mihm,	Sarraf,
Bohn,	Furman,	Mooney,	Scanlon,
Boies,	Gorski,	Moran,	Schrope,
Boney,	Harkins,	Munley,	Schwab,
Brancato,	Hess,	O'Brien,	Shaw,
Broad,	Hindman,	O'Connor,	Skale,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Stank,

Burris,	Holland,	Ominsky,	Thompson, E. F.,
Check,	Jirolanio,	O'Neill,	Walsh,
Chervenak,	Keenan,	Powers,	Weiss,
Cohen, H. B.,	Kenehan,	Preston,	Welsh, E. B.,
Cohen, R. E.,	Kilroy,	Readinger,	Welsh, M. J.,
Corrigan,	Levy,	Reese, R. E.,	Westrick,
DeNote,	Long,	Regan,	Williams,

NAYS—126

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Boose,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Voorhees,
Christler,	Hewitt,	Peacock,	Wagner,
Clark,	Hocke,	Peale,	Watkins,
Cook,	Hoffman, J. N.,	Reagan,	Webster,
Cooper,	Hoyt,	Reese, D. P.,	Wilkinson,
Cordier,	Huntley,	Rhodes,	Wilson,
Cortese,	Imbrie,	Riley,	Winner,
Curran,	James,	Robertson,	Wood, H. M.,
Dalrymple,	Johnston,	Rose,	Wood, L. H.,
Denman,	Jones,	Roseberry,	Wood, N.,
Dick,	Kane,	Royer,	Woodside,
Dix,	Kline,	Sarge,	Yeakel,
Donahue,	Knoble,	Schrock,	Turner,
Eckels,	Kowalski,	Seif,	Speaker.
Ely,	Krise,	Serrill,	

So the question was determined in the negative and the amendments were not agreed to.

The SPEAKER. The Chair lays before the House the amendments offered by the gentleman from Philadelphia, Mr. Rosenfeld.

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, I am offering these amendments because of the reluctance of Judge McDevitt and Judge Davis to make the appointment of persons in Philadelphia. In order to keep this thing out of politics the proper thing to do would be to place this power in the Board of Judges.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fifth section was read as follows:

Section 5 Section three hundred five of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor and alcohol as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor or alcohol which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board of chemists The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person Any licensee who uses his wholesale purchase permit card or allows the same to be used by another for the purchase at a State Liquor Store of liquor not for resale on the licensee's premises shall pay to the board the difference between the wholesale price paid for and the retail price of such liquor Failure to make such payment in full within ten days after the demand by the board shall be cause for the cancellation of the wholesale purchase permit card and the revocation or suspension of the licensee's license

Any licensee who uses his purchase permit card or allows the same to be used by another for the purchase at a State Liquor Store of liquor not for resale on the licensee's premises shall be guilty of a violation of this act and upon conviction thereof shall be sentenced for a first offense to pay a fine of fifty dollars ($50.00) and upon conviction of second offense shall be sentenced to pay a fine of one hundred dollars ($100.00) and upon conviction of a third offense shall be sentenced to pay a fine of one hundred dollars ($100.00) and have his license revoked

No liquor or alcohol shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises nor shall any person consume any liquor or alcohol on such premises

The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall by regulation to be promulgated by it issue special permits for the purchase of such tax exempt alcohol

Such permits may be issued to the United States or any governmental agency thereof to any university or college of learning any laboratory for use exclusively in scientific research any hospital sanitorium eleemosynary institution or dispensary to physicians dentists veterinarians and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes

Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor and alcohol the price paid therefor and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania

Liquor Store shall be retained by and shall form part of the records of such store

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5 (Sec. 305), page 16, line 17, by inserting after the word "who" the following: "wilfully and knowingly"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The sixth section was read as follows:

Section 6 Section four hundred two of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania that all officers directors and stockholders are citizens of the United States and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and vertified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Every applicant for a new license or for the transfer of an existing license shall publish notice of such application in such form as the board may prescribe once a week for two weeks in at least one newspaper of general circulation distributed in the municipality in which the place proposed to be licensed is located and in the legal newspaper published in the county if any Proof of the posting and publication of such notice shall be filed with the district board.

All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of a misdemeanor and upon indictment and conviction shall be subject to the penalties provided by this act

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 6 (Sec. 402), page 20, lines 2 to 8, by striking out with heavy-faced brackets the words "Every applicant for a new license or for the" in line 2, all of lines 3 to 7, and the words "place proposed to be licensed is located" in line 8

Amend Sec. 6 (Sec. 402), page 20, line 10, by striking out with heavy-faced brackets the words "and publication"

Amend Sec. 6 (Sec. 402), page 20, line 11, by striking out with heavy-faced brackets the word "district"

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 6 (Sec. 402) page 19, line 22, by adding at the end thereof the following: "Provided, however, That the term licensed business shall not be construed to apply to the transaction and operation of club business and affairs other than the handling and sale of liquor and malt or brewed beverages."

Amend Sec. 6 (Sec. 402), page 20, by inserting between lines 17 and 18 a new paragraph as follows: "In the case of club home associations or social bodies or other such auxiliary groups applying for liquor license, where it appears that all or a portion of the membership therein is automatically effected by reason of such members being members of a parent or main body to which the home association or social association is attached, and membership in the parent or main body is by written application, investigation and ballot and upon the payment of dues, it shall not be necessary, as to such members, that they sign additional applications, nor that they be additionally investigated and ballotted on in the auxiliary groups, and, as to such members, it shall be optional with the club licensee whether dues be separately paid to or apportioned to the auxiliary body: Provided, however, That in such cases, the board shall have access to the records of the parent or main body to determine the bona fides of the membership lists and the dues thereof."

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The seventh section was read as follows:

Section 7 Section four hundred three of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pam-

phlet Laws 1762) is hereby further amended to read as follows

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond the application shall be referred to the proper district board which shall in the case of all new licenses and the transfer of existing licenses and in cases of the renewal of licenses where objections in writing signed by at least twenty (20) electors residing in the particular election district in which the applicant's premise is situate to such renewal have been filed with the board or the district board at least sixty days before the date of the expiration of the existing license hold a hearing on such application at a time and place fixed by the district board of which notice shall be mailed to the applicant at the address given in his application After hearing the district board shall review the testimony taken in each case and it shall make and transmit its recommendations to the board for or against the grant renewal or transfer of the license as to it appears just and proper together with a complete copy of the testimony in the case But the district board shall not recommend the grant of a new license when applied for in its opinion the license will not serve the public accommodation or convenience or is in an improper locality or in the case of the transfer of a license when in its opinion the premise to which the license is to be transferred is in an improper locality The board upon consideration of the application and the recommendations of the district board and the testimony taken before it if any and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted and that the applicant is a person of good repute that the premises applied for meet all the requirements of this act and the regulations of the board and in the case of a new license recommended by the district board that the accommodation or convenience of the public will be served by the grant of the license and that the premise to be licensed is not in an improper locality or in the case of the transfer of a license that the premise to be licensed is not in an improper locality and that the applicant seeks a license for a hotel restaurant or club as defined in this act the board [shall in the case of a hotel or restaurant] may in its discretion grant and issue to the applicant a liquor license [and in the case of a club may in its discretion issue a license] Provided however That in the case of any new license or the transfer of any license to a new location the board [may in its discretion grant or] shall refuse such new license or transfer if such place proposed to be licensed (other than an existing club which has hertofore had a license and which before the effective date of this act has purchased real estate within four hundred feet of a church as a site for a new club house or a hotel having at least forty permanent bedrooms for the use of guests, is within [three] four hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil The distance above specified shall be measured in accordance with the regulations of the board Provided That no new license shall be granted in any municipality which will cause the number of licensed places in the municipality to exceed the number limited by law And provided further that the board shall not issue new licenses in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application [thereof] therefor shall have been filed at least thirty days before the effective date of the license

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 7 (Sec. 403), page 20, lines 24 to 29, by striking out with heavy-faced brackets the words "the application shall be referred to the" in line 24, and all of lines 25 to 29 inclusive

Amend Sec. 7 (Sec. 403), page 21, lines 1 to 20, by striking out with heavy-faced brackets all of said lines, including the words "taken before it if any" in line 21

Amend Sec. 7 (Sec. 403), page 22, lines 2 to 8, by striking out with heavy-faced brackets the words "and in the case of a new license recommended" in line 2, and all of lines 3 to 7, and the words "improper locality" in line 8

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 7 (Sec. 403), page 22, line 14, by striking out with light-face brackets the following "any new license"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The eighth section was read as follows:

Section 8 Section four hundred four of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 404 [License Hearings] Appeals from Refusal of Board to issue Renew or Transfer Licenses [The board may of its own motion and shall upon the written request of any applicant for club hotel or restaurant liquor license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for liquor license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof] If the board shall refuse such license renewal or transfer [following such hearing] notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant Any applicant who has appeared before the district board [or any agent thereof] at any hearing as above provided who is aggrieved by the refusal of the board to issue a renewal of a hotel or restaurant or club liquor license [or to renew or transfer a hotel restaurant or club liquor license] may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel or restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice The court shall hear the application de novo at such time as it shall fix of which

notice shall be given to the board The court shall either sustain the refusal of the board or order the [issuance] renewal of the license to the applicant [There shall be no further appeal] [Any] An appeal shall act as a supersedeas [unless upon sufficient cause shown the court shall determine otherwise] only if the applicant shall give bond to the Commonwealth in the sum of five hundred dollars ($500.00) to be approved by the court or deposit with the clerk of the courts a certified check or cash in the sum of five hundred dollars ($500.00) which shall be forfeited to the Commonwealth in case the applicant shall not be sustained by the court in the appeal All moneys realized from such bonds cash and certified checks shall be paid into the State Stores Fund

There shall be no appeal in cases of the refusal to grant new licenses or to transfer existing licenses

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 8 (Sec. 404), page 24, line 13, by striking out with heavy-faced brackets the word "district"

Amend Sec. 8 (Sec. 404), page 25, line 1, by striking out with heavy-faced brackets the light-faced bracket before the word "There" and after the word "appeal" and before and after the word "Any"

Amend Sec. 8 (Sec. 404), page 25, line 1 by striking out with heavy-faced brackets the word "An"

Amend Sec. 8 (Sec. 404), page 25, lines 2 and 3, by striking out with heavy-faced brackets the light-faced bracket before the word "unless" and after the word "otherwise"

Amend Sec. 8 (Sec. 404), page 25, lines 3 to 13, by striking out with heavy-faced brackets the words "only if the applicant" in line 3 and all of lines 4 to 13

On the question,

Will the House agree to the amendments?

Mr. LEVY. Mr. Speaker, I don't want to take up any more time of the House than necessary, but I urgently request a roll call on the amendments to section 8, offered by the gentleman from Allegheny, Mr. Brown, and the gentleman from Philadelphia, Mr. Skale. I feel it is important enough to have a roll call.

The yeas and nays were required by Mr. Levy and Mr. Homer S. Brown and were as follows:

YEAS—75

Achterman,	DeNote,	Lovett	Rider,
Allen,	Downey,	Malloy,	Rooney
Allmond,	Falkenstein,	Malone,	Rosenfeld,
Andrews,	Fauset,	McLane,	Rothenberger,
Baker,	Finnerty,	Melchiorre.	Sarraf,
Balthaser,	Flanagan,	Mihm,	Scanlon,
Bohn,	Furman,	Mooney,	Schrope,
Boies,	Gorski,	Moran,	Schwab,
Boney,	Harkins,	Munley,	Shaw,
Brancato,	Hess,	O'Brien,	Skale,
Broad,	Hindman,	O'Connor,	Stank,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Thompson, E. F.,
Burns,	Holland,	Ominsky,	Walsh,
Burris,	Jirolanio,	O'Neill,	Weiss,
Check,	Keenan,	Powers,	Welsh, E. B.,
Chervenak,	Kenehan,	Preston,	Welsh, M. J.,
Cohen, H. B.,	Kilroy,	Readinger,	Westrick,
Cohen, R. E.,	Levy,	Reese, R. E.,	Williams,
Corrigan,	Long,	Reynolds,	

NAYS—126

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Boose,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Voorhees,
Christler,	Hewitt,	Peacock,	Wagner,
Clark,	Hocke,	Peale,	Watkins,
Cook,	Hoffman, J. N.,	Reagan,	Webster,
Cooper,	Hoyt,	Reese, D. P.,	Wilkinson,
Cordier,	Huntley,	Rhodes,	Wilson,
Cortese,	Imbrie,	Riley,	Winner,
Curran,	James,	Robertson,	Wood, H. M.,
Dalrymple,	Johnston,	Rose,	Wood, L. H.,
Denman,	Jones,	Roseberry,	Wood, N.,
Dick,	Kane,	Royer,	Woodside,
Dix,	Kline,	Sarge,	Yeakel,
Donahue,	Knoble,	Schrock,	Turner,
Eckels,	Kowalski,	Seif,	Speaker.
Ely,	Krise,	Serrill,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 8 (Sec. 404), page 25, line 1, by striking out with heavy-faced brackets the word "An"

Amend Sec. 8 (Sec. 404), page 25, lines 1 and 2, by striking out with light-face brackets the following: "appeal shall act as a supersedeas"

Amend Sec. 8 (Sec. 404), page 25, lines 3 to 13 both inclusive, by striking out with heavy-face brackets the following: "only if the applicant" in line 3 and all of lines 4 to 13 both inclusive

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Would it be possible for the amendments to show of record if the sponsor should withdraw the remainder of the amendments?

The SPEAKER. The Chair might state if the gentleman feels it will conserve time, he might, preliminary to his withdrawal, state what the amendments do and that statement would be of record.

Mr. HOMER S. BROWN. Mr. Speaker, in view of the fact that we do want to conserve time and we have had sufficient knowledge and notice that we are not getting anywhere, I wish to withdraw all of the amendments to House Bill No. 1125 that have not been acted upon, except the amendment to Section nine on page twenty-six.

The SPEAKER. If the gentleman desires we can vote

on them all at one time, and that would appear in the record.

Mr. HOMER S. BROWN. Mr. Speaker, that is all right, but I wouldn't even ask for that. I will withdraw all of them except the one amendment to Section nine on page twenty-six which is at the top of the last sheet of amendments. I will withdraw all the other amendments.

The SPEAKER. The gentleman from Allegheny withdraws all of his amendments except those that pertain to Section nine.

The ninth section was read as follows:

Section 9 Section four hundred seven of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 407 License fees (a) License fees for hotel and restaurant liquor licenses shall be graduated according to population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

(1) In municipalities having a population of less than fifteen hundred inhabitants [one hundred and fifty dollars ($150.00)] one hundred and eighty dollars ($180.00)

(2) In those having a population of fifteen hundred and more but less than ten thousand inhabitants [two hundred dollars ($200.00)] two hundred and forty dollars ($240.00)

(3) In those having a population of ten thousand and more but less than fifty thousand inhabitants [three hundred dollars ($300.00)] three hundred and sixty dollars ($360.00)

(4) In those having a population of fifty thousand or more but less than one hundred thousand inhabitants [four hundred dollars ($400.00)] four hundred and eighty dollars ($480.00)

(5) In those having a population of one hundred thousand and more but less than one hundred and fifty thousand inhabitants [five hundred dollars ($500.00)] six hundred dollars ($600.00)

(6) In those having a population of one hundred fifty thousand and more inhabitants [six hundred dollars ($600.00)] seven hundred and twenty dollars ($720.00)

(b) Every applicant for a club liquor license shall pay to the board a license fee of one hundred dollars ($100.00) except clubs which cater to groups of non-members either privately or for functions in which case the board may issue a catering license and the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause The license fees fixed by this section shall be paid before the license or renewal is issued

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities or townships in which such fees were collected except the following amounts from each license as follows under paragraphs (a) (1) thirty dollars ($30.00) (a) (2) forty dollars ($40.00) (a) (3) sixty dollars ($60.00) (a) (4) eighty dollars ($80.00) (a) (5) one hundred dollars ($100.00) (a) (6) one hundred twenty dollars ($120.00) and (b) fifty dollars ($50.00) which amounts shall be paid into the State Stores Fund to be used for the purposes for which such fund is by law appropriated and to reimburse the Commonwealth for the cost and expense of operating district boards and for the payment of the expenses of additional enforcement

On the question,

Will the House agree to the section?

Messrs. HOMER S. BROWN and SKALE. Mr. Speaker, we desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 9 (sec. 407), page 26, lines 18 and 19, by striking out with heavy-faced brackets the words: "one hundred dollars ($100.00)" and insert in lieu thereof "fifty dollars ($50.00)"

On the question,

Will the House agree to the amendment?

Mr. JIROLANIO. Mr. Speaker and members of the House, what this amendment actually does is to provide that the licenses of clubs will remain as they are now in the law, namely, fifty dollars.

Mr. LONG. Mr. Speaker and members of the House, I believe that the purpose of the sponsor of this amendment as to license fees for clubs, is to restrict one-man clubs. However, I believe that this is obviously an improper approach to the regulation of one-man clubs. If we desire to set the license fees for one man clubs and for them to continue as they have in the past, then I say one hundred dollars is not enough, because they are in business competition with licensees who pay a much larger license. However, if the intent is to increase the license fees for legitimate clubs who are not competitors with other licensees paying a larger license, then, obviously we are making the wrong approach to that question. The right solution and the only solution of the question of one-man clubs is not to increase the fee, which a one-man club is very much more capable of absorbing than a legitimate club, but the obvious solution of the problem is proper enforcement, restriction, regulation and denial of licenses to clubs which are proven to be one-man operated.

The yeas and nays were required by Mr. Malloy and Mr. Skale.

Messrs. Baker, Williams and Malloy asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—72

Achterman,	Flanagan,	McNally,	Rosenfeld,
Allen,	Furman,	Melchiorre,	Rothenberger,
Allmond,	Gorski,	Mihm,	Sarraf,
Andrews,	Harkins,	Mooney,	Scanlon,
Baker,	Hess,	Moran,	Schwab,
Balthaser,	Hindman,	Munley,	Shaw,
Bohn,	Hoffman, S. K.,	O'Brien,	Skale,
Boles,	Holland,	O'Connor,	Stank,
Boney,	Jirolanio,	O'Keefe,	Taylor,
Brancato,	Keenan,	Ominsky,	Thompson, E. F.,
Broad,	Kenehan,	O'Neill,	Tronzo,
Brown, H. S.,	Kilroy,	Powers,	Walsh,
Check,	Krise,	Preston,	Weiss,
Chervenak,	Levy,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Long,	Reese, R. E.,	Welsh, M. J.,
Corrigan,	Lovett,	Reynolds,	Westrick,
Falkenstein,	Malloy,	Rider,	Williams,
Fauset,	Malone,	Rooney,	Wood, H. M.,
Finnerty,	McLane,		

NAYS—116

Ackermann,	Ewing,	Leydic,	Shearer,
Alspach,	Fisher,	Lichtenwalter,	Simons,
Atkins,	Fiss,	Lyons,	Sloan,
Auker,	Fleming,	Madden,	Snyder,
Balliet,	Foor,	Marr,	Sollenberger,
Bardes,	Freed,	Matthews,	Stambaugh,
Bennett,	Fullerton,	McClester,	Stewart,
Boorse,	Gates,	McGarrity,	Stockham,
Boose,	Gillan,	McVay,	Sweeney,
Bower,	Gillette,	Montgomery,	Terry,
Boyd,	Habbyshaw,	Moser, F. S.,	Thistle,
Bretherick,	Haines,	Moser, J. L.,	Thompson, G. R.,
Bronson,	Hall,	Muir,	Tiemann,
Brown, S. W.,	Hamilton,	O'Dare,	Trout,
Brunner,	Harbeson,	Peacock,	Van Allsburg,
Cadwalader,	Haudenshield,	Peale,	Voorhees,

Calvin,	Henry,	Reagan,	Wagner,
Carpenter,	Hewitt,	Reese, D. P.,	Watkins,
Christler,	Hocke,	Rhodes,	Webster,
Clark,	Hoyt,	Riley,	Wilkinson,
Cooper,	Huntley,	Robertson,	Wilson,
Cordier,	Imbrie,	Rose,	Winner,
Cortese,	James,	Roseberry,	Wood, L. H.,
Curran,	Johnston,	Royer,	Wood, N.,
Dalrymple,	Jones,	Sarge,	Woodside,
Dix,	Kane,	Schrock,	Yeakel,
Donahue,	Knoble,	Schrope,	Turner,
Eckels,	Kowalski,	Seif,	Speaker.
Ely,	Leisey,	Serrill,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Mr. SKALE. Mr. Speaker, I join in the request of my co-sponsor, Mr. Brown, in withdrawing remainder of the amendments.

The tenth section was read and agreed to as follows:

Section 10 Section four hundred eight of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 408 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municipality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully [Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses The action of the court of quarter sessions shall be final]

(b) Every applicant for a transfer of a license shall file a written application with the board together with a filing fee of twenty dollars at such time as the board shall fix in its regulations and shall also file an approved bond as required on original applications for licenses Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year

(c) In the event that any person to whom a license shall have been issued under the provisions of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the district board as in the case of a new application for license and the board shall have received the recommendation of the district board In the case of death of a licensee the board after recommendation by the district board may transfer the license to the surviving spouse or personal representative or to a person designated by such representative In all such cases the board shall have the sole and final discretion as to the propriety of the issuance or transfer of the license for such premises and as to the time it shall issue and the period for which it shall be issued after considering the recommendation of the board and shall have the further power to exact conditions under which said license shall be conducted

The eleventh section was read as follows:

Section 11 Section four hundred nine of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 409 License Year Renewal of Licenses (a) The board shall by regulation divide the State into convenient [license] districts [and shall hold hearings on applications for licenses and renewals thereof as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board may provide for the holding of such hearings by examiners learned in the law to be appointed by the Governor who shall not be subject to the civil service provisions of this act Such examiners shall make report to the board in each case with their recommendations] for the purpose of fixing the expiration dates of licenses The board shall by regulation fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless [the board shall have given ten days' previous notice of] objection to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act and the regulations of the board the license of a licenesee shall be renewed when the applicant shall file with the board a new approved bond and shall pay the requisite application fee and license fee specified in this act

(c) In cases where a licensee or his servants agents or employes are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such licensee is pending before the board the board shall not renew the license [notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner hereinafter provided for revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked] unless and until the pending proceeding is dismissed or unless and until an appeal has been taken from the action of the board in refusing to renew such license and a bond check or cash for a supersedeas has been filed or deposited as hereinbefore provided In the event an appeal is filed from the board's refusal to renew the license and by reason of such appeal the license is renewed such renewal license may if the Court dismisses such appeal be suspended or revoked by the board in the manner hereinafter provided for suspension or revocation of license if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason suspended or a penalty equivalent to a suspension is imposed thereon or such previous license is revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 11 (Sec. 409), page 29, line 17, by inserting after the word 'Licenses" the following: "Temporary licenses, Hearings and appeals"

Amend Sec. 11 (Sec. 409), page 30, line 8, by striking out with light-face bracket the word: "Unless"

Amend Sec. 11 (Sec. 409), page 30, lines 9 and 10, by striking out with light-face brackets the following: the word "objections" in line 9, and ending with the word "licensee" in line 10, and inserting in lieu thereof the following: "Where the application has been improperly filled out, or any irregularities in the same and accompanying papers appear, or where by reason of complaints, charges or reports of its investigators or others indicating that the applicant for renewal license"

Amend Sec 11 (Sec. 409), page 30, line 11, by striking out with light-face brackets after the word "employees" the word: "of" and inserting in lieu thereof: "have violated"

Amend Sec. 11 (Sec. 409), page 30, line 15, by striking out with light-face brackets the word: "unless" and inserting in lieu thereof: "that"

Amend Sec. 11 (Sec. 409), page 30, line 17, by striking out with light-face brackets the word: "unless" and inserting in lieu thereof: "that"

Amend Sec. 11 (Sec. 409), page 30, line 18, by inserting after the word "board" the following: "the board has objections to the granting of the renewal of license it shall promptly, after receipt of the application, notify the applicant of all of its objections and the details thereof, and shall state whether or not it will grant the license renewal."

"Where the violations or irregularities are such as in the board's opinion would not warrant the refusal of the license, the board shall in its notice stipulate what corrective measures based upon the provisions of this section of this act the applicant should make to meet the board's objections, and state that a renewal of the license will be granted upon the applicant's making such stipulated measures.

"Where the board has decided to refuse the renewal of license, it shall in said notice fix a time and place for hearing as hereinabove provided. Where it has decided to grant the renewal upon certain corrective measures as herein provided, and the applicant is of the opinion that the board's decision is not proper, he may request the fixing of a time and place for hearing, and the board shall do so promptly.

"Hearings shall be held in the manner provided for in the case of refusals to grant new licenses and transfers and appeal may be had by the applicant to the court of quarter sessions as in such cases for hearing de novo.

"Where the question raised by the applicant on appeal from refusal of license is one of the interpretation or constitutionality of any part of this act or attacks a power of the board of its exercise thereof or the validity or legality of a board regulation or procedure, or where the question is otherwise more than one of mere fact, a further appeal may be taken by the board or by the applicant to the Superior Court which shall review the questions of law involved and issue its decision. Such appeals by applicants shall act as a supersedeas.

"Whenever the final date for the granting of a renewal license shall be imminent and litigation concerning same before the board or on appeals is not yet finally disposed of, the board shall issue to the applicant a temporary license to be operative until termination of the case. Such temporary license shall be exchanged for the regular license where the licensee's position has been sustained by the court. Where the board has prevailed, it shall retain from the license renewal fee paid by the licensee one-twelfth of said fee for each month or fraction thereof in which the temporary license was in effect and remit the remainder to the licensee upon surrender of such temporary license. Where the case concerns the making of corrective measures, and the final court order sustains the position of the board fully or in modification thereof, the licensee shall have ten days time after the issuance of the final court order to make the corrections required to the satisfaction of the board, and if not done within said period the temporary license shall be then surrendered and the regular renewal of license shall not be issued until such corrective measures are made. Where the final court order sustains a complete refusal of license the applicant shall close his licensed business immediately on receipt of the order aud surrender his temporary license immediately."

Amend Sec. 11 (Sec. 409), page 30, lines 18 to 21 by striking out with light-face brackets the following: beginning with the words "the license of a" at the end of line 18 and ending with the words "in this act" in line 21.

Amend Sec. 11 (Sec. 409), page 31, line 5, by striking out with heavy-face brackets the word: "not"

Amend Sec. 11 (Sec. 409), page 31, line 5, by striking out with heavy-face brackets: the light-face bracket before the part-word "notwith"

Amend Sec. 11 (Sec. 409), page 31, line 12, by striking out with heavy-face brackets: the light-face bracket after the word "revoked"

Amend Sec. 11 (Sec. 409), page 31, lines 12 to 17, by striking out with heavy-face brackets the following: "HC unless and until the pending pro-" in line 12, all of lines 13 to 16, and the words "or deposited as hereinbefore provided" in line 17

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The twelfth section was read as follows:

Section 12 Section four hundred ten of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 410 Revocation and Suspension of License Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before [it or its examiner] the district board not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked When such notice is duly addressed and deposited in the United States mail it shall be deemed to be due and sufficient notice Hearings on such citation shall be held in the same manner as provided herein for hearings on applications for license Upon [such hearing] receiving the recommendations of the district board and the notes of testimony if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license or if the license has expired or is about to expire and for such reason the order of suspension or the full penalty thereunder cannot be imposed upon such license the board may in lieu of an order of suspension impose a penalty equivalent to a suspension and either withhold the issuance of the renewal license for the full penalty period or balance of such period if part of penalty is imposed upon previous license or if the renewal license has been issued may impose upon such license the full penalty or any part thereof not suffered by the previous license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is re-

voked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to [the manufacture transportation or sale of] liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked and such licensee within said three year period shall not be an employe of or have any proprietary interest in any corporation licensed by the board In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board after receiving the recommendations of the district board may in its discretion issue or transfer a license within said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant renewal license Such appeal shall not act as a supersedeas unless [upon sufficient cause shown the court shall determine otherwise] the applicant shall give bond to the Commonwealth in the sum of five hundred dollars ($500.00) to be approved by the court or deposit with the clerk of the courts a certified check or cash in the sum of five hundred dollars ($500.00) which shall be forfeited to the Commonwealth in case the applicant shall not be sustained by the court in the appeal

In those cases where the board shall suspend a public service liquor sacramental wine or importers license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension [In the case of hotel restaurant and club licensees] the offer in compromise shall be at the rate of [ten] thirty dollars for each day of suspension [and in the case of importers and sacramental wine licensees the offer in compromise shall be at the rate of thirty dollars per day] No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 12 (Sec. 410), page 33, line 15, by inserting after the word "premises" the following: "Such revocation shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee shall have the right to appeal to the court of quarter sessions for a hearing de novo as in the case of appeals from refusals to grant new licenses, renewals and transfers. Such appeal shall act as a supersedeas. The court upon hearing may sustain, reject or modify the order of the board in such cases.

"Appeal from the decision of the court of quarter sessions may be made to the Superior Court under the same circumstances and for the same reasons as in the case of renewals of license.

"Where litigation concerning the revocation or suspension of license is pending undisposed of, and the time for the granting of a renewal of license is imminent, the board shall issue to the licensee a temporary license as provided above in the case of renewals of licenses and under the same provisions as to effect, exchange, surrender and payment therefor. Should the final court order sustain the revocation of license, the temporary license issued shall be immediately surrendered. Should the final court order sustain or impose a suspension, same shall take effect immediately, and the regular renewal license shall not be issued until the expiration of the period of suspension.

"Appeal from the decision of the board to the court of quarter sessions and to the Superior Court by a licensee shall act as a supersedeas. Wherever in this act the term 'final court order' is used, it shall mean, in the cases where appeal is made to the Superior Court, the final decision and order of the said court."

Amend Sec. 12 (Sec. 410), page 34, lines 7 to 14, by striking out with light-face brackets the following: "In all such cases the board shall" in line 7, all of lines 8 to 13, and the words "for appeals from refusals to grant" in line 14

Amend Sec. 12 (Sec. 410), page 34, line 14, by striking out with heavy-face brackets the following: "HC renewal"

Amend Sec. 12 (Sec. 410), page 34, line 15, by striking out the word: "not"

Amend Sec. 12 (Sec. 410), page 34, lines 16 to 22, by striking out the following: "the applicant" in line 16, and all of lines 17 to 22.

On the question,

Will the House agree to the amendments?

Mr. JIROLANIO. Mr. Speaker, I ask that the last amendment read by the Clerk be voted on separately.

The SPEAKER. The amendments will be divided.

On the question,

Will the House agree to the amendments on page 33, line 15?

They were not agreed to.

On the question,

Will the House agree to the amendments on page 34, lines 7 to 22?

The yeas and nays were required by Mr. Jirolanio and Mr. Weiss and were as follows:

YEAS—70

Achterman,	Falkenstein,	Malloy,	Rooney,
Allen,	Fauset,	Malone,	Rosenfeld,
Allmond,	Finnerty,	McLane	Rothenberger,
Baker,	Flanagan,	Melchiorre,	Sarraf,
Balthaser,	Furman,	Mihm,	Scanlon,
Bohn,	Gorski,	Mooney,	Schrope,
Boles,	Harkins,	Moran,	Schwab,
Boney,	Hess,	Munley,	Skale,
Brancato,	Hindman,	O'Connor,	Stank,
Broad,	Hoffman, S. K.,	Ominsky,	Thompson, E. F.,
Brown, H. S.,	Holland,	O'Neill,	Tronzo,
Burris,	Jirolanio,	Powers,	Walsh,
Check,	Keenan,	Preston,	Weiss,
Chervenak,	Kenehan,	Readinger,	Welsh, E. B.,
Cohen, R. E.,	Levy,	Reese, R. E.,	Welsh, M. J.,
Corrigan,	Lichtenwalter,	Reynolds,	Westrick,
DeNote,	Long,	Rider,	Williams,
Downey,	Lovett,		

NAYS—110

Ackermann,	Ewing,	Krise,	Sollenberger,
Alspach,	Fisher,	Leisey,	Stambaugh,
Atkins,	Fiss,	Leydic,	Stewart,
Auker,	Fleming,	Lyons,	Stockham,
Balliet,	Foor,	Madden,	Sweeney,
Bardes,	Freed,	Marr,	Tahl,
Bennett,	Fullerton,	Matthews,	Taylor,
Boorse,	Gates,	McClester,	Terry,
Boose,	Gillan,	McGarrity,	Thistle,
Bower,	Gillette,	McVay,	Thompson, G. R.,
Bretherick,	Habbyshaw,	Moser, F. S.,	Tiemann,
Bronson,	Haines,	Muir,	Trout,
Brown, S. W.,	Hall,	O'Dare,	VanAllsburg,
Brunner,	Hamilton,	Peacock,	Voorhees,
Cadwalader,	Harbeson,	Peale,	Wagner,
Calvin,	Haudenshield,	Reagan,	Watkins,
Carpenter,	Henry,	Reese, D. P.,	Webster,
Christler,	Hewitt,	Rhodes,	Wilkinson,
Clark,	Hocke,	Riley,	Wilson,
Cooper,	Hoyt,	Royer,	Winner,

Cordier,	Huntley,	Sarge,	Wood, H. M.,
Cortese,	Imbrie,	Schrock,	Wood, L. H.,
Curran,	James,	Seif,	Wood, N.,
Dalrymple,	Johnston,	Serrill,	Woodside,
Dix,	Jones,	Shearer,	Yeakel,
Donahue,	Kane,	Simons,	Turner,
Eckels,	Knoble,	Sloan,	Speaker.
Ely,	Kowalski,	Snyder,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The thirteenth section was read as follows:

Section 13 Section four hundred eleven of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of [three] two o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 13 (Sec. 411), page 36, line 7 by striking out with light-faced brackets the words: "on Sunday" and inserting in lieu thereof: "between the hours of one o'clock antemeridian and midnight on any Sunday"

On the question,

Will the House agree to the amendment?

Mr. JIROLANIO. Mr. Speaker and members of the House, this amendment provides that retailers can sell between the hours of midnight and one o'clock Sunday morning.

On the question recurring.

Will the House agree to the amendment?

The yeas and nays were required by Mr. Jirolanio and Mr. Powers and were as follows:

YEAS—69

Achterman,	Downey,	Malloy,	Rider,
Allen,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld,
Andrews,	Finnerty,	Melchiorre,	Sarraf,
Baker,	Flanagan,	Mihm,	Scanlon,
Balthaser,	Gorski,	Mooney,	Schrope,
Bohn,	Harkins,	Moran,	Schwab,
Boies,	Hess,	Mumley,	Shaw,
Boney,	Hoffman, S. K.,	O'Brien,	Skale,
Brancato,	Holland,	O'Keefe,	Stank,
Broad,	Jirolanio,	Ominsky,	Thompson, E. F.,
Brown, H. S.,	Keenan,	O'Neill,	Tronzo,
Carpenter,	Kenehan,	Powers,	Walsh,
Cohen, H. B.,	Kilroy,	Preston,	Welsh, E. B.,
Cohen, R. E.,	Levy,	Readinger,	Welsh, M. J.,
Corrigan,	Long,	Reese, R. E.,	Williams,
DeNote,	Lovett,	Reynolds,	

NAYS—124

Ackermann,	Fisher,	Lichtenwalter,	Simons,
Alspach,	Fiss,	Lyons,	Sloan,
Atkins,	Fleming,	Madden,	Snyder,
Auker,	Foor,	Marr,	Sollenberger,
Balliet,	Freed,	Matthews,	Stambaugh,
Bardes,	Fullerton,	McClester,	Stewart,
Bennett,	Furman,	McGarrity,	Stockham,
Boorse,	Gates,	McNally,	Sweeney,
Boose,	Gillan,	McVay,	Tahl,
Bower,	Gillette,	Montgomery,	Taylor,
Bretherick,	Habbyshaw,	Moser, F. S.,	Terry,
Bronson,	Haines,	Moser, J. L.,	Thistle,
Brown, S. W.,	Hall,	Muir,	Thompson, G. R.,
Brunner,	Hamilton,	O'Connor,	Tiemann,
Burris,	Harbeson,	O'Dare,	Trout,
Cadwalader,	Haudenshield,	Peacock,	VanAllsburg,
Calvin,	Henry,	Peale,	Voorhees,
Check,	Hewitt,	Reagan,	Wagner,
Chervenak,	Hindman,	Reese, D. P.,	Watkins,
Christler,	Hocke,	Rhodes,	Webster,
Clark,	Hoyt,	Riley,	Weiss,
Cooper,	Huntley,	Robertson,	Westrick,
Cordier,	Imbrie,	Rose,	Wilkinson,
Cortese,	James,	Roseberry,	Wilson,
Curran,	Johnston,	Rothenberger,	Winner
Dalrymple,	Jones,	Royer,	Wood, H. M.,
Denman,	Kane,	Sarge,	Wood, L. H.,
Dick,	Knoble,	Schrock,	Wood, N.,
Donahue,	Kowalski,	Seif,	Woodside,
Eckels,	Krise,	Serrill,	Yeakel,
Ely,	Leisey,	Shearer,	Turner,
Ewing,	Leydic,		Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. HUNTLEY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 13 (Sec 411), page 35, line 8, by inserting after the word "any" the following: "week"

Amend Sec. 13 (Sec. 411), page 36, line 14, by inserting after the word "day" the following: "or on any Sunday between the hours of twelve o'clock midnight of any Saturday and seven o'clock post meridian on Sunday"

On the question,

Will the House agree to the amendments?

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the sponsor of this amendment.

The SPEAKER. Will the gentleman from Cameron permit himself to be interrogated?

Mr. HUNTLEY. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, will Mr. Huntley explain to the members of the House just what this amendment does?

Mr. HUNTLEY. Mr. Speaker, this amendment proposes to close clubs from twelve o'clock midnight until seven o'clock in the morning on Sundays.

Mr. JIROLANIO. Mr. Speaker, does this amendment actually close the clubs all day Sunday?

Mr. HUNTLEY. No, Mr. Speaker, it does not; they will only be closed from twelve until seven in the morning.

Mr. JIROLANIO. In other words, Mr. Speaker, what this amendment does is to deprive them of the time from twelve midnight until three o'clock that they are allowed to be open now under the law?

Mr. HUNTLEY. Mr. Speaker, sure I am talking about the time from twelve until three.

Mr. JIROLANIO. Mr. Speaker, the gentleman is taking away three hours.

Mr. HUNTLEY. That's right, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker and members of the House, I ask the members of the minority to vote against the amendment.

Mr. HUNTLEY. Mr. Speaker and members of the House, I offer this amendment because I oppose the sale of alcoholic beverages before two o'clock on Sunday morning. I also condemn the unfair privileges the clubs are given over other liquor vendors. It is a bad policy of government to grant special privileges to organized groups, calling themselves clubs which are not given to other classes. All retail beverage vendors should be treated alike. The law should not make fish of one and fowl of the other. The Legislature should treat hotels and restaurants as fairly as other liquor vendors. They are necessary to accommodate the public. Clubs are not a public necessity, yet this bill favors them to the detriment of all the rest. Hotels and restaurants must run their bars in the open while clubs are permitted to run theirs bars in secret. Hotels and restaurants must close their bars on Sundays while clubs are allowed to run their bar from 12 to 2 o'clock on Sunday morning and from 7 to 12 o'clock Sunday evenings. The clubs are the only liquor vendors who are licensed to sell on Sunday. I offer this amendment for the purpose of closing the clubs bars for the first two hours on Sunday morning. Why conduct a barroom behind closed doors in the middle of the night on Sunday? Why these two particular hours of drinking revelry on early Sunday morning? For what good reason can these grog shops keep open on the Sabbath day? Is it because they love darkness better than light in conducting this questionable business? It does not look good. It makes these special privileged clubs appear like legalized "pigs ears." The hotels and restaurants are required to pay much more for their licenses than the clubs pay. Their money does not seem to be as good as that of the clubs which has been gained by selling liquor on Sundays when other vending places were closed. Unfair competition is freezing out the hotels and restaurants who not only have to buy their supply of liquors from the State stores, who nevertheless sell liquors to the public. A customer of the State store is not allowed to drink on the State premises but he may carry his liquor to any other licensed public place and then get drunk. The hotels and restaurants buy their supply of beer from the breweries who nevertheless peddle from their distributors wagon packages as small as six bottles to the same consumers that the hotels depend on for customers. It is very evident that the hotels and restaurants are having hard sledding in competing with State stores, the breweries and clubs which get away with the profitable loaves and fishes while they gather up the fragments. No wonder the hotels and restaurants are chiseled to death? Is it strange that clubs are flourishing? There are now 3677 clubs licensed to sell alcoholic beverages in Pennsylvania. It has created a great booze racket which has become arrogant with power, undertaking to dictate laws and demanding that the government let them alone in their undertakings. This racket has become the greatest menace to temperance and sobriety as well as the most sinister influence in the political life of our state in the past quarter of a century. It has been made and fastened under a system of liquor laws that are a shame to the state and a disgrace to the Republican party. The second reason for offering this amendment is because the selling of liquor for beverage purpose on Sunday is morally wrong and the personnel of the business can not make it legally right. The Ten Commandments in the Bible have come down to us through the ages as the cornerstone of our laws and religion. Jews, Catholics and Protestants have accepted them. These commandments were also given to us in the new dispensation of Jesus Christ. They are born and bred in those who worship in the Christian churches. I am not unmindful of the spiritual myths instilled in me as a child at my mother's knee. Remember the Sabbath day to keep it holy because it is the day of the Lord thy God who made it and blessed it and hallowed it. I cannot desecrate this holy day by permitting an organization to conduct a liquor business for filthy lucre with which to carry out the purpose of the club. I predict that before the next election those who have bowed down to this all powerful booze racket will renounce their own action because just as soon as the righteous people of Pennsylvania become aware of domination of this venomous spirit of wickedness which is squeezing the life blood of morality out of our state in its deadly coils they will rise up and demand an accounting from their law makers and then you will not only have to answer to them but also to the more permissable clubs who will have seen the handwriting on the wall and proceed to clean their own dirty stables. I do not know what course you will pursue "but as for me and my house we will serve the Lord."

Mr. JOHNSTON. Mr. Speaker and members of the House, I intended to make a speech on this matter, but when I make a speech I usually have the attention of my hearers.

I thought I was in sympathy with the amendment offered by Mr. Huntley, but I feel that Mr. Huntley did not go as far as I thought he should go. I stand for the matter but I do not believe that we should make flesh of one and fish of another. If the common bars are closed at twelve o'clock midnight, why should the clubs be allowed to operate longer. Have they any special

privilege? If it be a special privilege, it certainly is to violate the law more and more.

I consulted the Secretary of the Anti-Saloon League and I made him say in the presence of witnesses that the bill as it now stands is satisfactory to him and to his organization. I say this in order that we may not have any come-back by any one that votes. I support this bill. I believe the Committee was honest and I respect the integrity and the faithful services of the men on the Committee, and because I do so believe and because of the statement made by the Secretary of the Anti-Saloon League, I will support the bill as it comes before the House.

Mr. LEVY. Mr. Speaker, I desire to interrogate the gentleman who just spoke.

The SPEAKER. The Chair would admonish the gentleman from Philadelphia, and also the gentleman who has just spoken, that under the agreement, debate was to have been upon the bill as a whole, and when the amendments were acted upon there should be no debate. The Chair has allowed a lot of latitude, perhaps was in error in doing so but there was necessity for it because there was so much confusion.

Mr. LEVY. Mr. Speaker, I withdraw my request.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 13 (Sec. 411), page 36, by inserting between lines 18 and 19 a new paragraph as follows: "It shall be lawful for club licensees to dispense and sell liquor and malt and brewed beverages to their members at picnics, outings and banquests held off the club premises upon securing a permit for such affair from the board. Application for such permit shall be made in writing on a form to be supplied by the board giving the location of the premises, the nature of the event and the date to which the permit is to apply and such other information as the board shall deem desirable and shall be accompanied by a fee of one dollar ($1.00). No such permit shall be issued for a period of longer than twenty-four hours. However, if the event for which the permit is issued be not held, the permit shall be returned to the board with a notation to that effect, but the fee shall not be returned. No club licensee shall be permitted to use more than three such permits in any one year. The moneys derived from the permit fee shall be used by the board to defray the administrative costs of issuing such permits and any surplus shall be turned over to the general fund."

Amend Sec. 13 (Sec. 411), page 36, line 13 by striking out with heavy-face brackets the words: "[three] two" and inserting in lieu thereof: "three"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fourteenth to the twenty-first sections inclusive and title were separately read and agreed to as follows:

Section 14 Section five hundred two of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended by adding at the end thereof the following paragraph

A certified copy of the official returns of such election shall be transmitted to the Pennsylvania Liquor Control Board by the official or public officer with whom such returns are filed within twenty (20) days thereafter

Section 15 Paragraphs nine ten and fourteen and nineteen of section six hundred two of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) are hereby further amended and paragraphs 31 32 and 33 are hereby added to said section to read as follows

(9) It shall be unlawful for any licensee or his servants agents or employes except a manufacturer on his own premises to display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which the licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatever relating to liquor or malt or brewed beverages unless the actual value of such advertisement if hereafter erected shall not be more than [twenty-five dollars] seventy-five dollars ($75.00) No sign or advertisement leased furnished or sold by a manufacturer importer importing distributor or distributor shall contain thereon anything except the trade name trade-mark or place of manufacture of the liquor or malt or brewed beverages manufactured or sold by him

(10) It shall be unlawful for any manufacturer or licensee or his servants agents or employes to hereafter give furnish lease or sell or for any other licensee to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value of such advertising device including all displays in connection therewith shall not exceed [ten dollars ($10)] twenty-five dollars ($25.00) It shall be unlawful for any licensee to display or permit to be displayed any window or exterior advertising except in accordance with the regulations of the board

(14) It shall be unlawful for any licensee except club licensees to permit in any licensed premises or in any place operated in connection therewith dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment and no such permit shall be issued by the board to any licensee for such entertainment which is to be held or given in any place having a space in the room where the entertainment is to be carried on of less than twelve hundred (1200) square feet or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars ($25) All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his liqour license

It shall be unlawful for any licensee to fail to keep on the licensed premises for a period of at least two years complete and truthful records such as the board shall prescribe covering the operation of his licensed business particularly showing the date of all purchases of liquor and malt or brewed beverages the actual price paid therefor and the name of the vendor including State store receipts or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(31) It shall be unlawful for any licensee his agent or servant to substitute any other liquor or vinous or malt or brewed beverage for the one which has been ordered

by a customer or to sell or serve from any labeled bottle decanter or other container any liquor or vinous or malt or brewed beverage other than the one designated by the label on such bottle decanter or other container

(32) It shall be unlawful for any licensee to have in his possession on the licensed premises any glass of the kind customarily employed for the serving and dispensing of the distilled spirit known as whiskey not in combination with other ingredients which glass does not have marked legibly on the side thereof its capacity in fluid ounces

(33) It shall be unlawful for any licensee his servants agents or employees to sell and dispense at retail the distilled spirit known as whiskey by the glass not in combination with other ingredients except in a glass having marked legibly on the side thereof its capacity in fluid ounces

Section 16 Paragraph (e) of section six hundred nine of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

(e) Except as herein provided no hotel restaurant or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a distributor importing distributor [package retailer] retail dispenser licensed under the Beverage License Law or by an importer or sacramental wine licensee in the conduct of his business nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any distributor importing distributo. [package retailer] retail dispenser importer or sacramental wine licensee for equipping fitting out or maintaining and conducting either in whole or in part an establishment used in the conduct of his business Provided however That this paragraph shall not be construed to prohibit the retail liquor licensee from being the owner of premises at which there is a retail liquor or a retail malt or brewed beverage license held by another person or persons

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July 18 1935

Section 17 Section six hundred ten of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 610 Penalties (a) Any person who shall violate any of the provisions of this act except that prohibiting the selling furnishing or giving of liquor or malt or brewed beverages to minors shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not less than one month nor more than three months and for any subsequent offense shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not less than three months nor more than one year

(b) Whoever violates any of the provisions of this act prohibiting the selling furnishing or giving of liquor or malt or brewed beverages to minors shall be guilty of a misdemeanor and upon conviction shall be punished as follows

For selling furnishing or giving to minors between the ages of twenty and twenty-one years ten days suspension of license and the payment of a fine of fifty dollars ($50.00) for selling furnishing or giving to minors between the ages of nineteen and twenty years twenty days suspension of license and the payment of a fine of one hundred dollars ($100.00) for selling furnishing or giving to minors between the ages of eighteen and nineteen years thirty days suspension of license and the payment of a fine of two hundred dollars ($200.00) for selling furnishing or giving to minors between the ages of seventeen and eighteen years sixty days suspension of license and the payment of a fine of three hundred dollars ($300.00) and for selling furnishing or giving to minors under the age of seventeen years revocation of license and the payment of a fine of three hundred dollars ($300.00)

[(b)] (c) The right of the board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 18 Section six hundred eleven of said act is hereby amended by adding thereto paragraph (f) to read as follows

(f) Provided however anything to the contrary notwithstanding that any person claiming to be the holder of a bailment lease conditional sale or other security interest in any vehicle boat vessel or aircraft the disposition of which is provided for above may present his petition so alleging and be heard and in the event it appears to the court that the property was unlawfully used by a person other than such claimant and without the knowledge and consent of such claimant and if such claimant acquired his security interest without knowledge that the vehicle was going to be so used the court shall in its discretion waive forfeiture in favor of such claimant and order the vehicle boat vessel or aircraft returned or delivered to such claimant or if it is found that the value thereof exceeds the amount of the claim shall order payment of the amount of the claim out of the proceeds of sale

Section 19 Section seven hundred one of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 701 License Fees to be Returned to Municipalities All license fees collected by the board under the provisions of this act except license fees hereinbefore dedicated to the State Stores Fund and license fees for public service liquor licenses sacramental wine and importers licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service liquor licenses sacramental wine importers licenses permit fees and compromise penalties in connection with the suspension of licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first day of February and August of each year be paid by the board to the respective municipalities and townships in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period and paid into said Liquor License Fund."

The return of moneys received from licenses for the sale of liquor or malt or brewed beverages granted and issued under the provisions of this act to the municipalities in which such licensed places are located is among others for the purpose of enabling such municipalities through their law enforcement officers to more effectually assist in enforcing the provisions of this act and shall when requested by the board or any agent or representative thereof aid and assist in the enforcement of this act

Section 20 Section seven hundred two of said act as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 702 Filing Fees Forfeitures Penalties and Receipts from Pennsylvania Liquor Stores to be Retained by the Commonwealth All filing fees and moneys accruing from sales of liquor and alcohol at Pennsylvania Liquor Stores and all forfeitures and compromise penalties collected received or recovered under the provisions of this act shall be paid into the State Treasury through the De-

partment of Revenue into a special func to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law

Section 21 This act shall become effective on the first day of September one thousand nine hundred and thirty-nine

An Act to further amend Sections 2 202 203 305 402 403 404 407 408 409 410 411 502 paragraphs (9) (10) and (14) of Section 602 paragraph (e) of Section 609 Section 610 paragraph (d) (2) of Section 611 and Section 701 of and to add Section 204 and paragraph (31) to Section 602 and paragraph (f) to Section 611 to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by defining "district" establishing the force of regulations of the board creating district boards regulating the appointment of members thereof and defining their duties and powers requiring the further advertising of applications for licenses the issuance thereof and appeals from the decisions of the board providing for hearings by the district boards increasing fees for licenses further regulating the revocation and suspension of licenses and providing for the disposition thereof providing for the giving of a bond in order to make any appeal a supersedeas prohibiting the illegal use of purchase permit cards changing the hours during which clubs may sell liquor or malt and brewed beverages regulating licensees interlocking business and the issuance of permits for entertainment protecting the interests of holders of bailment leases and conditional sales contracts prescribing additional penalties for sales to minors and imposing duties upon municipalities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 925, entitled:

An Act to further amend sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses seven eight twelve and thirty-three of section twenty-three section thirty of and thirty-two and to add clause thirty-six to section twenty-three of the act approved he third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" further regulating distributors providing for hearings and recommendations on retail dispensers' licenses by district boards vesting additional powers and discretion in the Pennsylvania Liquor Control Board prohibiting the grant of licenses in certain territory and to places where stores are operated providing for the advertisement of license applications regulating appeals from the action of the board and denying appeals in certain cases regulating the grant renewal transfer and revocation and suspension of licenses and amusement permits increasing retail dispensers' and club license fees and prescribing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses twelve and thirty-three of section twenty-three section thirty and thirty-two and to add clause thirty-six to section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last re-enacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1827) are hereby further amended to read as follows

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverage" means any beer lager beer ale porter or similar fermented malt or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such malt or brewed beverage may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages except to importing distributors and distributors in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than [two hundred eighty-eight] seventy-two fluid ounces

(e) The term "importing distributor" means and includes persons licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the resale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than [two hundred eighty-eight] seventy-two fluid ounces

(f) The term "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

[(g)] (g) The term "original containers" means and includes bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

[(h)] (h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(i) "Easting place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(j) "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe

[(k)] (k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

[(l)] (l) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

[(m)] (m) The term "manufacture" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests and a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen in which food is regularly prepared for the public apart from the public dining room or rooms

[(o)] (o) The term "sale" or "sell" shall include any transfer of malt or brewed beverages for a consideration

(p) "Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic including all drinks or drinkable liquids preparations or mixtures and re-used recovered or redistilled denatured alcoholic usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol and malt or brewed beverages

(q) "Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

(r) "Municipality" shall mean any city borough incorporated town or township of this Commonwealth

(s) "District Board" means the several district boards created by the Pennsylvania Liquor Control Act and the amendments thereto to hold hearings on applications for retail liquor licenses and to make recommendations thereon to the board

Section 5 Manufacturers' Distributors' and Importing Distributors' Licenses (a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturer's license issued by the board The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original containers in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth Each individual applicant for manufacturer's license and in the case of partnerships and associations each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications In the case of corporations organized or registered under the laws of this Commonwealth it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporation are citizens of the United States and have for a period of at least two years prior to the date of application been residents of this Commonwealth Licenses for places of storage shall be limited to those maintained by manufacturers on July 18 1935 and thereafter the board shall issue no linceses for places of storage in addition to those maintained on July 18 1935 The application for such license shall be in such form and contain such information as the board shall require All such licenses shall be granted for the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than [two hundred eighty-eight] seventy-two fluid ounces and in original containers as prepared for the market by the manufacturer at the place of manufacture Such licenses shall be issued only to reputable individuals partnerships and associations who are or whose members are citizens of the United States and have for two years prior to the

date of their applications been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than [two hundred eighty-eight] seventy-two fluid ounces anywhere within the Commonwealth of Pennsylvania which in the case of distributors have been purchased only from persons licensed under this act as manufacturers or importing distributors and in the case of importing distributors have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this act

Section 6 Malt and Brewed Beverages Retail Licenses [(a) Subject to the restrictions hereinafter provided in this act] (a) Upon the receipt of the application the proper fees and bond for a retail dispensers' license the application shall be referred to the proper district board which shall in the case of all new licenses and the transfer of existing licenses and in cases of the renewal of licenses where objections in writing signed by at least twenty (20) electors residing in the particular election district in which the applicant's premises are situate to such renewal have been filed with the board or the district board at least sixty days before the date of the expiration of the existing license hold a hearing on such application at a time and place fixed by the district board of which notice shall be mailed to the applicant at the address given in his application After hearing the district board shall review the testimony taken in each case and it shall make and transmit its recommendations to the board for or against the grant renewal or transfer of the license as to it appears just and proper together with a complete copy of the testimony in the case But the district board shall not recommend the grant of a new license when in its opinion the license will not serve the public accommodation or convenience or is applied for in an improper locality or in the case of the transfer of a license when in its opinion the premise to which the license is to be transferred is in an improper locality The board upon consideration of the application and the recommendations of the district board and the testimony taken before it if any and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board that the applicant seeks a license for a reputable hotel eating place or club as defined in this act [the board shall in the case of a hotel or eating place grant and issue and in the case of a club] may [in its absolute discretion] grant and issue or refuse to grant to the applicant a retail dispenser's license except in the case of an application for a new retail dispensers' license where the district board recommends against the grant of the license in which case the board shall refuse to grant a new license But in all other cases the recommendation of the district board shall be advisory only to the board In the case of a new license the grant of which has been recommended by a district board the board shall not grant the license unless it finds that the accommodation or convenience of the public will be served by the grant and that the premise to be licensed is in a proper locality

In the case of hotels and eating places licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States In the case of incorporated clubs licenses shall be issued only to those incorporated under the laws of Pennsylvania

No retail dispensers license shall be granted in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold

(b) In the case of any new license or the transfer of any license to a new location the board shall [in its discretion grant or] refuse such new license or transfer if such place proposed to be licensed (other than a hotel having at least forty permanent bedrooms for the use of guests) is within [three] four hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil The distance above specified shall be measured in accordance with the regulations of the board And no new license shall be granted or renewed for and no license shall be transferred to a premise in which a delicatessen or other store is also operated No new license shall be granted which will cause the number of licensed places in a municipality to exceed the number limited by law The board shall not issue new licenses except as herein otherwise provided in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application therefor is filed at least thirty days before the effective date of the license Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Every applicant for a new license or for the transfer of an existing license shall publish notice of such application in such form as the board may prescribe once a week for two weeks in at least one newspaper of general circulation distributed in the municipality in which the place proposed to be licensed is located Proof of the posting and publication of such notice shall be filed with the district board

Section 7 [License] Hearings for Manufacturers' and Distributor Licenses Appeal from Refusal of any Licenses The board may of its own motion and shall upon the written request of any applicant for a manufacturers' or distributors' license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses as for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof

If the board shall refuse [such] any manufacturers', distributors' or retail dispensers' license renewal or transfer [following such hearing] notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order Any [person] applicant who has appeared before the board an examiner thereof or a district board at any hearing and who is aggrieved by the refusal of the board to [issue] renew [or transfer] a license may appeal to the court of

quarter sessions of the county in which the premises applied for are located within twenty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board The court shall hear the application de novo at such time as it shall fix of which ten days' notice shall be given to the board The court shall either sustain the refusal of the board or order [an issuance] the renewal of the license to the applicant [There shall be no further appeal Any] An appeal shall act as a supersedeas [unless upon sufficient cause shown the court shall determine otherwise] only if the applicant shall give bond to the Commonwealth in the sum of five hundred dollars ($500) to be approved by the court or deposit with the clerk of the court a certified check or cash in the sum of five hundred dollars ($500) which shall be forfeited to the Commonwealth in case the applicant shall not be sustained by the court in the appeal All moneys realized from such bonds cash and certified checks shall be paid into the State Stores Fund

There shall be no appeal in cases of the refusal to grant new licenses or to transfer existing licenses

Section 13 Revocation and Suspension of Licenses Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any intentional violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner and in the case of a retail dispensers' license before a district board not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked When such notice is duly addressed and deposited in the United States mail it shall be deemed to be due and sufficient notice Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing or upon receiving the recommendations of the district board and the notes of testimony in the case of a retail dispenser's license if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license or if the license has expired or is about to expire and for such reason the order of suspension or the full penalty thereunder cannot be imposed upon such license the board may in lieu of an order of suspension impose a penalty equivalent to a suspension and either withhold the issuance of the renewal license for the full penalty period or balance of such period if part of penalty is imposed upon previous license or if the renewal license has been issued may impose upon such license the full penalty or any part threof not suffered by the previous license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to [the manufacture transportation or sale of] liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked and such individual licensee within said three year period shall not be an employe of or have any proprietary interest in any corporation licensed by the board In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board after receiving the recommendations of the district board in the case of retail dispensers may in its discretion issue or transfer a license within the said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reason for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions in the same manner and subject to the same condition as to a supersedeas as herein provided for appeals from refusals to [grant] renew licenses In those cases where the board shall suspend a manufacturer distributor or importing distributor license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of a manufacturer the offer in compromise shall be at the rate of one hundred dollars ($100) for each day of suspension in the case of an importing distributor thirty dollars ($30) and a distributor twenty dollars ($20) for each day of suspension [and in the case of a retail dispenser or transporter for hire ten dollars ($10) for each day of suspension] No offer in compromise may be accetped by the board in those cases where the suspension is for a period in excess of 100 days

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board upon payment of the transfer filing fee and the execution of a new bond is hereby authorized to transfer any license issued by it from one person to another or from one place to another or both within the same municipality or township as the board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked No retail dispenser's license shall be transferred to a premise which in the opinion of the board is in an improper locality Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the board In the case of the death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by him [From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions of the county in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses]

(b) In the event that any person to whom a license shall have been issued under the provisions of this act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Therafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board or district board as the case may be as in the case of a new application for license and the board shall have received the recommendation of the district board where it has conducted the hearing In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 16 Renewal of Licenses (a) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless [the applicant shall have been formally notified by the board of] there be objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations

of the board relating to [the manufacture transportation use storage importation possession or sale of] liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act or the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisite filing fee and license fee specified in this act

[(c)] (b) In case where a licensee or his servants agents or employes are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board the board may [in its discretion] not renew the license [notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner herein provided for the revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked] unless and until the pending proceeding is dismissed or unless and until an appeal has been taken from the action of the board in revoking a license and a bond check or cash for a supersedeas filed or deposited as hereinbefore provided In the event an appeal is filed from the board's refusal to renew the license and by reason of such appeal the license is renewed such renewal license may if the Court dismisses such appeal be suspended or revoked by the board in the manner hereinbefore provided for suspension or revocation of license if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if any when such previous license is for any reason suspended or a penalty equivalent to a suspension is imposed thereon or such previous license is revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 19 License Fees Distribution of Revenues No license shall be issued to any manufacturer distributor importing distributor or retail dispenser and no public service licenses shall be issued until the licensee shall have first paid an annual license fee as follows

(a) In the case of a manufacturer the license fee shall be one thousand ($1,000.00) dollars for each place of manufacture and shall be paid to the board The fee for all such licenses when applied for and issued on or after April 1 but prior to July 1 shall be three-fourths of the annual fee July 1 but prior to October 1 shall be one half of the annual fee October 1 but prior to January 1 shall be one quarter of the annual fee

(b) In the case of a distributor the license fee shall be four hundred ($400.00) dollars and shall be paid to the board

(c) In the case of an importing distributor the license fee shall be nine hundred dollars ($900.00) and shall be paid to the board

(d) In the case of a retail dispenser except clubs the license fee shall be graduated according to the population of the municipal unit or township in which the place of business is located and shall be paid to the board as follows:

(1)	Less than 10,000	[$100]	$120
(2)	10,000 and more but less than 50,000	[150]	180
(3)	50,000 and more but less than 100,000	[200]	240
(4)	100,000 and more but less than 150,000	[250]	300
(5)	150,000 and more	[300]	360

(e) In the case of a club the fee shall be [twenty-] fifty ($50) dollars in all cases and shall be paid to the board

(f) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

[(h)] (h) The fee for filing applications for licenses and for renewals shall be ten dollars which together with fees for transfers shall be paid to the board

[(i)] (i) The license fees fixed by this section shall be paid before the license or renewal is issued

[(j)] (j) The license fees for manufacturers distributors importing distributors and public service licenses and all filing fees for such licenses and all permit fees and forfeitures and compromise penalties and the following amounts from each retail dispensers' license as follows under paragraph (d) (1) of this section twenty dollars ($20) (d) (2) thirty dollars ($30) (d) (3) forty dollars ($40) (d) (4) fifty dollars ($50) (d) (5) sixty dollars ($60) and (e) ten dollars ($10) collected received or recovered under the provisions of this act shall be transmitted to the State Treasurer by the board and shall be paid into the State Stores Fund [Fees] All other fees paid for retail dispensers and club licenses shall be paid in the State Treasury through the Department of Revenue into the special fund known as the "Liquor License Fund" The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the municipalities and townships in which the licensed places are located in such amounts as represent the aggregate license fees collected from retail dispenser licensees in such municipalities and townships during the preceding period and paid into the "Liquor License Fund"

The return of moneys received from licenses for the sale of malt or brewed beverages granted and issued under the provisions of this act to the municipalities in which such licensed places are located is among others for the purpose of enabling such municipalities through their law enforcement officers to more effectually assist in enforcing the provisions of the act and shall when requested by the board or any agent or representative thereof aid and assist in the enforcement of this act

(k) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semiannual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an overcharge or over-payment on a license fee

Section 21 Sales by Distributors and Importing Distributors No distributor or importing distributor shall purchase receive or resell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture No distributor or importing distributor shall sell and deliver any malt or brewed beverages in quantities of less than seventy-two fluid ounces Provided That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purpose by such distributor or importing distributor

Section 23 * * *

(VII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any licensee or his servants agents or employes except a manufacturer on his own premises to hereafter lease purchase or receive for dis-

play or to display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatsoever relating to malt or brewed beverages unless the actual value of such advertisement shall be not more than seventy-five dollars ($75.00) No sign or advertisement furnished leased or sold by any manufacturer importing distributor or distributor shall contain anything except the trade name trade-mark or place of manufacture of the malt or brewed beverage manufactured or sold by him

(VIII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any other licensee or his servants agents or employes to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular malt or brewed beverage or the manufacturer producer or place of manufacture or production of any malt or brewed beverage unless the actual value of such advertising device including all displays in connection therewith shall not exceed twenty-five dollars ($25) It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board

Section 23 * * *

(XII) For any licensee his servants agents or employes except clubs to permit in any licensed premises dancing theatricals floor show or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment and no such permit shall be issued by the board to any licensee for such entertainment which is to be held or given in any place having a space in the room where the entertainment is to be carried on of less than twelve hundred square feet or for any retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The board shall have power to provide for the issue of such special permits and to require a fee for permits equal to one-fifth of the annual license fee but not less than twenty-five dollars All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his license

Section 23 * * *

(XXXIII) For any club retail dispenser or its servants agents or employes to sell malt or brewed beverages between the hours of [three] two o'clock antemeridian and seven o'clock antemeridian on any day

Section 23 * * *

(XXXVI) For any person without a valid license from the board to sell or offer to sell malt or brewed beverages

Section 30 Penalty (a) Any person copartnership association or corporation or any officer director servant employe or agent of any copartnership association or corporation violating any of the provisions of this act except that prohibiting the selling furnishing or giving of malt or brewed beverages to minors shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) and on failure to pay such fine to imprisonment for not less than one month nor more than three months for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine of not less than three hundred dollars ($300) nor more than five hundred dollars ($500) and shall be sentenced to imprisonment for a term of not less than three months nor more than one year

(b) Whoever violates any of the provisions of this act prohibiting the selling furnishing or giving of malt or brewed beverages to minors shall be guilty of a misdemeanor and upon conviction shall be punished as follows For selling furnishing or giving to minors between the ages of twenty and twenty-one years ten days' suspension of license and the payment of a fine of fifty dollars ($50) for selling furnishing or giving to minors between the ages of nineteen and twenty years twenty days' suspension of license and the payment of a fine of one hundred dollars ($100) for selling furnishing or giving to minors between the ages of eighteen and nineteen years thirty days' suspension of license and the payment of a fine of two hundred dollars ($200) for selling furnishing or giving to minors between the ages of seventeen and eighteen years sixty days' suspension of license and the payment of a fine of three hundred dollars ($300) and for selling furnishing or giving to minors under the age of seventeen years revocation of license and the payment of a fine of three hundred dollars ($300)

[(b)] (c) Upon proof being made that any licensee or any servant agent or employe of such licensee under this act has violated any of the provisions of this act or regulations of the board or any of the laws of the Commonwealth relating to liquor alcohol or malt or brewed beverages or the payment of tax thereon or the laws of the United States of America relating to the payment of tax on liquor alcohol or malt or brewed beverages otherwise than as provided in clause (b) of this section the board may in its discretion revoke or suspend any license issued under this act to any such licensee The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section

Section 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act Provided however Where an election was therefore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners of the county for a referendum on the question of granting such licenses the said county commissioners shall cause a question to be submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of ?	Yes No	

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverage retail dispenser licenses shall be granted by the board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the board shall thereafter have no power to grant or renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act A certified copy of the official returns of such election shall be transmitted to the Pennsylvania Liquor Control Board by the official or public officer with whom such returns are filed within twenty (20) days thereafter

No such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) and its amendments voted prior to the adoption of this amendment against the granting of retail dispenser licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

On the question recurring,

Will the House agree to the section?

Mr. EDWIN F. THOMPSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 6), page 15, lines 3 to 6, by striking out the following: "And" in line 3, all of lines 4 and 5, and the following "icatessen or other store is also operated" in line 6.

On the question,

Will the House agree to the amendment?

Mr. EDWIN F. THOMPSON. Mr. Speaker, and members of the House, I am going to make this very brief, in order to expedite the time of the House.

The purpose of this amendment is to take care of delicatessen stores that are now operating and have a license to sell beer. If I understand the bill as now amended, it has taken away from the delicatessen stores, the stores that now have licenses to dispense beer, that privilege, and therefore this amendment I have offered would really make it possible for those stores to renew their licenses. I might bring to the attention of the House that there are four hundred eighty-five delicatessen stores in the city of Philadelphia that are operating at the present time and that revenue would be lost entirely. It has been the complaint of people in districts that they refuse to go into taprooms, refused to go into bars and they would like the privilege of going and buying beer in small quantities that they might take home for their own use. I therefore ask the members of this House to vote in favor of this amendment.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1 (Sec. 19), Page 35, Lines 6 and 7, by striking out the following: "[twenty-] [seventy] [five] fifty ($50)" and inserting in lieu thereof: "twenty-five"

Amend Section 1, Page 6, Line 10, by inserting after the word "activity" the following: "social or otherwise"

Amend Section 1, Page 6, Line 27, by inserting after the word "records" the following: "of its membership and licensed business"

Amend Section 1, Page 14, Line 6, by adding to line 6 the following: "the provisions that the license applied for shall serve public accommodation or convenience shall not apply to applications for club licenses"

Amend Section 1, Page 15, Line 9, by inserting after the word "new" the following: "retail restaurant"

Amend Section 1, Page 17, Lines 18 to 26 inclusive, by striking out with heavy faced brackets the following: Beginning with the word "only" in line 18 and ending with the word "Fund" in line 26.

Amend Section 1, Page 17, by striking out with heavy faced brackets all of lines 27 and 28

Amend Section 1, Page 17, Line 28, by inserting after the words "existing licenses" a new paragraph as follows: "Whenever the final date for the granting of a renewal license shall be imminent and litigation concerning same before the board or on appeals is not yet finally disposed of, the board shall issue a temporary license to the licensee to be operative until the termination of the case. Such temporary license shall be exchanged for a regular license where the licensee has been sustained by the court. Where the board has prvailed, it shall retain from the license renewal fee paid by the licensee one-twelfth of said fee for each month or fraction thereof in which the temporary license was in effect and remit the remainder to the licensee upon surrender of the temporary license. Where the court orders a renewal license granted upon the making of corrective measures by the licensee, the licensee shall have ten days time in which to make such measures to the satisfaction of the Board and if same has not been done within said period of time the temporary license shall then be forthwith surrendered and no renewal license issued until such measures are made. Where the final court order sustains a complete refusal of renewal license the applicant shall close his licensed business immediately on receipt of the order and surrender his temporary license immediately."

Amend Section 1, Page 17, Line 28, by inserting at the end of said line and between it and Line 1 on page 18, the following new paragraph: "Where the question raised by the applicant or the board on appeal from the refusal to grant a new license or transfer or renewal of an existing license is one of the interpretation or constitutionality of any part of this act or attacks a power of the board or its exercise thereof or the validity of a board regulation or procedure or where the question is otherwise more than one of mere fact, a further appeal may be taken by the board or the applicant to the Superior Court which shall review the questions of law involved and issue its decision. Such appeals by applicants shall act as a supersedeas."

Amend section 1, page 26 line 28 by striking out with heavy faced brackets the following "and subject to the same conditions as to a supersedeas"

Amend section 1, page 27 by inserting between lines 14 and 15 thereof the following "Where the board has revoked or suspended a license such revocation or suspension shall not go into effect until twenty days have elapsed from the issuance of the order during which time the licensee shall have the right to appeal to the court of quarter sessions for a hearing de novo as in the case of appeals from refusals to grant renewals of licenses. Such appeal shall act as a supersedeas. The court upon hearing may sustain, reject or modify the order of the board in such cases."

Amend Section 1 page 27 line 14 by adding to the end thereof a new paragraph as follows: "Where litigation concerning the revocation or suspension of license is pending undisposed of and the time for the granting of a renewal of license is imminent the board shall issue to the licensee a temporary license as provided in the case of renewals of licenses and under the same provisions as to effect, exchange surrender and payment therefor. Should the final court order sustain the revocation of license, the temporary license shall be immediately surrendered. Should the final court order sustain or impose a suspension of license the same shall immediately take effect and the regular renewal license shall not be issued until the expiration of the period of suspension."

Amend Section 1 page 27 line 15 by inserting before the word "Section" a new paragraph as follows: "Appeals from the decision of the Courts of Quarter Sessions on orders sustaining or refusing to sustain the revocation or suspension of licenses may be made to the Superior Court where the questions involved are one of the interpretation of this act or its constitutionality or the validity of regulation of the board or its procedures or otherwise more than one of mere fact, such apreals by the applicant acting as supersedeas."

Amend Section 1 page 30 line 19 by striking out with heavy faced brackets the following: "may [in its discretion] not"

Amend Section 1 page 30 line 19 by inserting before the word "renew" the following: "shall"

Amend Section 1 page 30 lines 26 to 28 by striking out with heavy faced brackets the following: beginning with the word "unless" in line 26 and ending with the word "and" in line 28.

Amend Section 1 page 31 by striking out with heavy faced brackets in lines 1 and 2 the following: beginning

with the words "a bond" in line 1 and ending with the word "provided" in line 2.

Amend Sec. 1, page 35, lines 6 and 7, by striking out the words [twenty] [seventy] [five] fifty ($50)" and inserting in lieu thereof the following: "twenty-five"

Amend Sec. 1, page 43, lines 26 and 27, by striking out the words: "equal to one-fifth of the annual license fee but not less than" and inserting in lieu thereof the word: "of"

Amend Section 1 page 48 line 27 by striking out with heavy faced brackets the following "two"

Amend Section 1 page 48 line 27 by inserting before the word "O'Clock" the following: "three"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective on the first day of September one thousand nine hundred and thirty-nine

An Act to further amend sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses seven eight twelve and thirty-three of section twenty-three section thirty of and thirty-two and to add clause thirty-six to section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" further regulating distributors providing for hearings and recommendations on retail dispensers licenses by district boards vesting additional powers and discretion in the Pennsylvania Liquor Control Board prohibiting the grant of licenses in certain territory and to places where stores are operated providing for the advertisement of license applications regulating appeals from the action of the board and denying appeals in certain cases regulating the grant renewal transfer and revocation and suspension of licenses and amusement permits increasing retail dispensers' and club license fees and prescribing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RESOLUTION

RECALLING HOUSE BILL No. 373 FROM THE GOVERNOR

Mr. COOPER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 10, 1939.

Resolved (if the Senate concur), That House Bill No. 373, Printer's No. 110, entitled "An act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair desires to say to the members that tomorrow we must take up appropriation bills, as well as other bills all of which are important and under no agreement. If you will see your respective leaders, the Chair feels that the time of some of the members may be conserved.

The Chair wants to thank the minority particularly for the manner in which the amendments were presented and their agreement upon a plan which, it seems to the Chair conserved considerable time and worked out satisfactorily this afternoon, which otherwise would not have been posssible. It might have been possible to tie the House up for a great length of time had it not been for the agreement of the minority in this afternoon's proceedings on these bills.

The Chair feels that is a fine spirit and good sportsmenship and the Chair feels the majority should appreciate it as the Chair does.

REPORT FROM COMMITTEE

Mr. BRUNNER from the Committee on Judiciary Special reported as amended, House Bill No. 252, entitled:

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases.

COMMITTEE MEETINGS

There will be meetings of the Committee on:

Game, immediately after session in Room 325.

Mines and Mining, immediately after session in Room A.

Municipal Corporations, immediately after session in Room 546.

Public Utilities, Thursday, at 10 a. m. in Room 100.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 4:50 p. m.) the House adjourned until Thursday, May 11, 1939, at 12 noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., THURSDAY, MAY 11, 1939. No. 53.

SENATE

THURSDAY, May 11, 1939.

The Senate met at 1:30 o'clock, a. m. E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

O Thou King of Kings and Lord of Lords, by these moments of prayer at the beginning of each session of the General Assembly, we endeavor to obey the command of the Master: "Render unto Caesar the things that are Caesar's, and unto God the things that are God's."

May it never be that we cease giving our tribute either to Thee or the State. And we rejoice to know that while we render unto the state and those in authority over us our tribute we can render also unto Thee that which is Thine. We rejoice, likewise, that we live in a land of democracy, all declarations of the dictators of the earth to the contrary notwithstanding, and that the expression of religious convictions has yet remained free. Truly have we received a goodly heritage and our lives fallen in pleasant places.

And, our Father, we commend unto Thee, the Senator from Luzerne in his hour of sorrow and wilt Thou truly be unto him as his strength in this his hour of sadness.

Just for this day may we pray with the Psalmist: "Let the words of my mouth and the meditations of my heart, be acceptable in Thy Sight, O Lord, my strength and my redeemer." We pray in Thy holy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. FREY, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. REED asked and obtained leave of absence for the Senator from Armstrong, Mr. SIPE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 320

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 320, Printer's No. 54, entitled "An Act To amend section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled 'An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their nearest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries' by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE AND HOUSE RESOLUTION RECALLING SENATE BILL No. 83

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 83, Printer's No. 35, for further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Lawrence V. Gibb, 606 Centennial Avenue, Sewickley, Allegheny County, for appointment as Workmen's Compensation Referee, until the third Tuesday in January, 1943, vice David B. Roberts, whose term has expired.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the

Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 373

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Repreesntatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), That House Bill No. 373, Printers No. 757, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

be recalled from the Governor for the purpose of amendment.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 374

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), That House Bill No. 374, Printer's No. 615, entitled:

An Act to amend section three of article one, and section forty, of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "Transfer Inheritance Tax Loan," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefore; and providing for the repayment of taxes paid in excess of amount due on future estates.

be recalled from the Governor for the purpose of amendment.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1074

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), That House Bill No. 1074, Printer's No. 387, entitled:

An Act to amend sections one and two of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," changing the number and term of members; further defining their powers and duties; and terminating the terms of members now in office.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 964

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 964, entitled:

An Act to amend further section fourteen of an act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws, one hundred six) entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as re-enacted and amended, by conferring additional powers on the Department of Highways.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 282, entitled:

An Act to repeal the act, approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvaia members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act, approved June twelfth, one thousand nine hundred and thirty-one (P. L. 575), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" as amended, by increasing clothing allowances and requiring a report by commanding officers.

House Bill No. 964, entitled:

An Act to amend further section fourteen of an act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws, one hundred six) entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Depart-

ment of Highways," as re-enacted and amended, by conferring additional powers on the Department of Highways.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Insurance, re-reported as committed, Senate Bill No. 842, entitled:

An Act to repeal section three hundred and two of the act approved the fifth day of December one thousand nine hundred and thirty-six, (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties."

Mr. MILLER, from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board, providing for the appointment of such boards and defining their powers and duties, providing penalties and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates

Mr. RUTH, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 953, (House Bill No. 1062), entitled:

An Act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13, 1905, Act No. 307 P. L. 455 approved June 7, 1907, Act No. 64 P. L. 258 approved April 8, 1937.

Mr. EDMONDS, from the Committee on Education, reported as committed, Senate Bill No. 426, (House Bill No. 250), entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system. and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by further extending the time for present employes as defined in the act, to elect to be covered by the retirement system.

He also, from the Committee on Education, reported as amended, Senate Bill No. 311, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to established a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by further regulating the incurring, funding and refunding of indebtedness, temporary and permanent; the issuing of bonds by school districts; the retirement of indebtedness, and the borrowing in anticipation of current revenues.

Mr. BARTLETT, from the Committee on Public Health, reported as amended, Senate Bill No. 500, (House Bill No. 681), entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

He also, from the Committee on Corporations, reported as committed, Senate Bill No. 893, (House Bill No. 996), entitled:

An Act to amend section three hundred eight and section seven hundred two as amended of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penaltiies and repealing certain acts and parts of acts relating to corporations" by facilitating the procedure to borrow money and to acquire or dispose of real estate and to facilitate the approval of amendments by members.

He also, from the Committee on Corporations, reported as committed, Senate Bill No. 382, (House Bill No. 345), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

He also, from the Committee on Corporations reported as committed, Senate Bill No. 874, (House Bill No. 465), entitled:

An Act to amend article three by adding thereto section three hundred and twenty and to amend sections nine hundred and one one thousand one hundred and five and one thousand one hundred and eleven of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for the arrangement and reorganization of business organizations under the National Bankruptcy Act for the further merger and consolidation of certain corporations and further regulating the dissolution of such corporations and the survival of remedies after dissolution

He also, from the Committee on Corporations, reported as committed, Senate Bill No. 383, (House Bill No. 346), entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 971, (House Bill No. 1225), entitled:

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties liabilities, accounts, discharge, and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

Mr. SNOWDEN, from the Committee on Public Utilities, reported as amended, Senate Bill No. 936, (House Bill No. 673), entitled:

An Act to amend subsection 6 and (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engagng in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Common Carrier by Motor Vehicle" "Contract Carrier by Motor Vehicle" persons or corporations who furnish transportation of school children exclusively or transportation of materials in dump trucks

He also, from the Committee or Public Utilities, reported as committed, Senate Bill No. 744, entitled:

An Act to amend paragraph (e) of section two hundred and two of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and

corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," as amended by act of September twenty-eight, one thousand nine hundred thirty-eight, (P. L. 44), by providing further exemptions with respect to the transfer and acquisition of property.

He also, from the Committee on Public Utilities, reported as committed, Senate Bill No. 781, (House Bill No. 963), entitled:

An Act to amend section one of an act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine," as amended by an act approved the 2nd day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine,' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases, and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof, and the rights of dissenting stockholders," so as to provide for consolidation or merger of corporations authorized to do business in this State.

He also, from the Committee on Public Utilities, reported as committed, Senate Bill No. 771, (House Bill No. 962), entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

Mr. THOMAS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 448, (House Bill No. 394), entitled:

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forefeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

ATTORNEY GENERAL DIRECTED TO MAKE A GENERAL STUDY OF PUBLIC UTILITY LAWS

Mr. SCARLETT, from the Committee on Public Utilities, to which was referred on May 9, 1939, the following resolution from the House of Representatives reported the same without amendments as follows, viz:

In the House of Representatives, April 24, 1939.

Whereas, During the 1937 Session of the General Assembly there was passed a new law for the regulation of public utilities known as the Public Utility Law which Act superseded and repealed the Public Service Company Law which has been in effect since January 1, 1914 and

Whereas, A number of provisions of the Public Utility Law of 1937 have been the subject of judicial review and have been held by State or Federal Courts to be unconstitutional as the result of which amendatory legislation was passed at the special session of 1938 designed to correct some of the unconstitutional provisions and

Whereas, Other provisions of this 1937 law are alleged to extend beyond the scope of reasonable and proper regulation of the utilities in that they unduly invade the field of management impose upon utilities the burden of furnishing costly reports or conforming to procedures of doubtful value in the determination of reasonable rates and adequate service retard the development and expansion of utility properties and facilities discourage investment in utility securities and present question which may involve the Commonwealth and the utilities and indirectly the ratepayers in protracted and costly litigation thereby retarding future reductions in utility rates and

Whereas, The best interests of the Commonwealth the rate payer the utilities and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth require that a careful comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes if any should be made in said Law to make it fair just and reasonable in its application to all, therefore be it

Resolved (if the Senate concur) That the Attorney General be and is hereby requested to undertake and prosecute a thorough and impartial study of the Public Utility Laws of this and other states ascertain the viewpoints of the Public Utility Commission other regulatory bodies the public the utilities affected and others as to the proper concepts to be applied in the field of utility regulation consider the effect and trend of judicial decisions in the public utility field and the questions involved in pending litigation and ascertain what if any amendments should be made to the Public Utility Law in order to secure adequate proper and sound regulation of utilities in the public interest which will at the same time encourage investment in utility securities and aid in a program of expansion and economic recovery in this Commonwealth

Resolved, That the Attorney General be requested to report the results of his study and investigation of the Public Utility law together with such proposed legislation as he deems proper for consideration to the next Regular Session of the General Assembly

Laid over for one day under the Rules.

He also, from the Committee on Public Utilities, reported as committed, Senate Bill No. 669, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053, entitled

"An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilties, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts, conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

He also, from the Committee on Public Utilities, reported as amended, Senate Bill No. 670, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers, fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act." by redefining "rural area" and limiting the exercise of the power of eminent domain.

Mr. EDMONDS, from the Committee on Banking, reported as committed, Senate Bill No. 969, (House Bill No. 1036), entitled:

An Act to regulate and restrain the sale, purchase, exchange, pledge, and dealing in distillery bonded warehouse certificates for whiskey or any other potable distilled spirits, except ethyl alcohol; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board; authorizing the granting of permits and registration of agents to deal in such certificates, and the suspension and revocation of such permits and registration of agents; providing for hearings and appeals to the court of common pleas; forbidding transactions in such certificates in this state except as herein provided; prescribing and imposing penalties; and providing for the disposition of filing, registration and permit fees.

Mr. HOMSHER, from the Committee on Municipal Government, reported as committed, Senate Bill No. 831, (House Bill No. 519), entitled:

An Act to amend paragraph six of section two of the act of June seventh one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to water-pipes by persons other than plumbers

Mr. REED, from the Committee on Public Utilities, reported as committed, Senate Bill No. 522, (House Bill No. 538), entitled:

An Act to repeal the act, approved the fifth day of March, one thousand nine hundred and three (P. L. 13), entitled "An act in relation to abandonment of portions of railroads."

Mr. FARRELL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 708, (House Bill No. 296), entitled:

An Act to validate mortgage sales of real estate by foreign fiduciaries, executors and administrators and the titles acquired by purchasers at such sales.

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 709, (House Bill No. 563), entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of the Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations

Mr. WOLFENDEN, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 875, (House Bill No. 482), entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for

other purposes," approved September second, one thousand nine hundred and thirty-seven, and conferring certain powers and duties on the Pennsylvania Game Commission.

He also, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 882, (House Bill No. 781), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highways purposes.

He also, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 881, (House Bill No. 780), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift, grant or other lawful means, certain canal properties.

He also, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 982, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," authorizing the board to issue permits for certain nets; making it unlawful to make, sell or possess certain nets; and providing penalties.

Mr. McCREESH, from the Committee on Municipal Government, reported as committed, Senate Bill No. 251, (House Bill No. 140), entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit, declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof to include fences in suburban and similar districts in all cities and boroughs.

QUESTION OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his point of information.

Mr. HALUSKA. Mr. President, did I understand you correctly that certain bills were reported out by the Committee on Mines and Mining?

The PRESIDENT. In the regular way there was one; the Senator from Mercer, Mr. Thomas, reported a bill.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Thomas.

The PRESIDENT. Will the Senator from Mercer, Mr. Thomas, permit himself to be interrogated?

Mr. THOMAS. Mr. President, I will.

Mr. HALUSKA. Mr. President, is it not true that the Committee on Mines and Mining met this morning?

Mr. THOMAS. That is true, Mr. President.

Mr. HALUSKA. Mr. President, am I to understand that there was an official meeting of that committee—a quorum?

Mr. THOMAS. Mr. President, we had four members present.

Mr. HALUSKA. Mr. President, can the gentleman from Mercer, Mr. Thomas, tell us what number of members make a quorum of the committee?

Mr. THOMAS. Five, Mr. President.

Mr. HALUSKA. Mr. President, then it is true that the Committee on Mines and Mining did not have a quorum present; is that correct?

Mr. THOMAS. Not at the moment we gave it out, Mr. President; that is true.

Mr. HALUSKA. Mr. President, taking the word of the Senator from Mercer, Mr. Thomas, a certain bill has been reported out of that committee without a quorum being present and I ask that it be sent back to the Committee on Mines and Mining until a quorum is present.

The PRESIDENT. Does the Senator from Cambria, Mr. Haluska, move that Senate Bill 168 be returned to committee?

Mr. THOMAS. Mr. President, the Senator from Washington, Mr. Reed was at the meeting, and he stepped out just at the time we made the motion to report out this bill.

MOTION TO RECOMMIT

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 168 be recommitted to the Committee on Mines and Mining.

Mr. REED. Mr. President, I second the motion.

The PRESIDENT. A motion has been made by the Senator from Cambria, Mr. Haluska, and seconded by the Senator from Washington, Mr. Reed, to return Senate Bill 168 to the Committee on Mines and Mining. Are there any remarks.

Mr. OWLETT. Mr. President, I ask that the motion be voted down.

Mr. HALUSKA. Mr. President, I feel in a sense of fairness the Senator from Mercer, Mr. Thomas, has admitted and it now appears on the record of the Journal, that a meeting was held without a quorum, and I cannot see how anybody has any right to object or can object. The Senator from Mercer has admitted without any doubt that only four members were present when Senate Bill 168 was reported out.

Mr. EALY. Mr. President, the Chairman of the Committee on Mines and Mining fixed a time for a meeting of that committee this morning and notice was given in the schedule announced by the Secretary of the Senate.

I went to the committee meeting and the Secretary of Mines, I believe, came over and explained his views, and there were a number of other members there, and after discussion, I asked the chairman to count me present and he voted on reporting the bill out. He now tells me that with my vote there were a sufficient number there to constitute a quorum under the rules of this Senate. I think he has complied with the rules of his committee.

Mr. SHAPIRO. Mr. President, I have no interest in the bill but I do think the Senate ought to take a position here publicly if a member of the Senate is interested in a bill and it has been reported out by four or five members of a committee I think, that this bill should be sent back for further consideration. It seems to me we certainly ought not to give public notice of the fact that we give so little consideration to a bill, and I think that the objection of the Senator from Tioga should be withdrawn; it would be much wiser, in my opinion, if this bill went

back to be discussed. I do not mean any reflection on any of the members of the committee, but I think that the bill ought to go back and come out again without making a public display of this action.

Mr. THOMAS. Mr. President, at the last three meetings held by the Committee on Mines and Mining the Senator from Cambria, Mr. Haluska, has not been there, for some reason.

Mr. EDMONDS. Mr. President, may I inquire the number of the bill being discussed.

The PRESIDENT. Senate Bill 168. A motion has been made to return Senate Bill 168 to the Committee on Mines and Mining.

Are there any further remarks?

Mr. EALY. Mr. President, I simply want to say that this bill has been thoroughly discussed and it was not a question of taking snap judgment by any one. The bill has been discussed on the floor of this Senate and in committee repeatedly.

Mr. HALUSKA. Mr. President, in reply to the statement made by the Senator from Mercer, Mr. Thomas, it is true I have not attended the last several meetings, I was engaged elsewhere, but the fact remains that this bill was reported out with a committee of four—less than a quorum was present and you can not get away from that fact.

Mr. OWLETT. I will withdraw my objections to the motion.

Mr. HALUSKA. Roll call, Mr. President.

Mr. OWLETT. Mr. President, I will withdraw my objection to the motion. I suggested that the Senate should vote down this motion and I withdraw that suggestion.

Mr. HALUSKA. Mr. President, since the Senator from Tioga has withdrawn his suggestion I withdraw my request for a roll call. Therefore the bill will go back to committee; is that correct?

On the question,

Will the Senate agree to the motion?

It was agreed to.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of a meeting of the Committee on Mines and Mining.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Judiciary General, re-reported as amended, Senate Bill No. 152, entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the "Pennsylvania Board of Probation and Parole", conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the Board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors and providing penalties therefor; and for other cognate purposes.

Mr. LETZLER. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER from the Committee on Education, reported as committed, Senate Bill No. 803, entitled:

An Act requiring plans and specifications for the design or construction of certain utilities, structures, projects, works, improvements, and buildings to bear the signature and seal of a registered architect or registered professional engineer of the Commonwealth of Pennsylvania before filing with or acceptance, or approval, or issuance of permit with respect thereto, by any department, board, commission or other body of the Commonwealth of Pennsylvania or any of its agencies or political subdivisions; and providing penalties.

He also, from the Committee on Education, reported amended, Senate Bill No. 804, entitled:

An Act to amend the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 933), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," as amended, changing limitation upon expenditures by board; revising and changing qualifications for registration; requiring registrants to obtain and use a seal; defining certain terms; requiring certain building plans to be signed by registrants; prohibiting registration of corporations and firms; prohibiting and making certain acts unlawful and increasing penalties.

Mr. OWLETT. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Public Utilities, reported as committed, Senate Bill No. 539, entitled:

An Act relating to proceedings for the forfeiture of rights, privileges or franchises of corporations making claim against street railway traction or motor power companies in certain cases; and providing for the disposition of rights, privileges or franchises forfeited and for contracts relating thereto.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 765, (House Bill No. 322), entitled:

An Act to repeal the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception, regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein, prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof, conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

Mr. MILLER. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

Mr. HALUSKA. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 730, entiled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder and prescribing penalties," providing for the election, by employers, of persons engaged in domestic service or agriculture.

Mr. GELTZ. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ, from the Committee on County Government, reported as committed, Senate Bill No. 850, entitled:

An Act to repeal the act, approved the third day of April, one thousand eight hundred and sixty-eight (P. L. 639), entitled "An act relative to the compensation of the treasurer of Centre County, the safe keeping of the county funds, et cetera."

Mr. RICE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Agriculture, reported as amended, Senate Bill No. 786, (House Bill No. 1297), entitled:

An Act to further amend section five and to amend section six of the act, approved the third day of May, one thousand nine hundred and nine (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food, possessing nutritive value combined with medicinal properties, defining concentrated commercial feeding-stuffs, prohibiting the adulteration of any feeding-stuff sold, offered or exposed for sale in this State with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seed or other similar adulterants, providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation and repealing act number two hundred and eleven (P. L. 1907, page 273), entitled 'An act regulating the sale of wheat, rye, corn and buckwheat-bran and middlings or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties.

He also, from the Committee on Agriculture, reported as amended, Senate Bill No. 742, (House Bill No. 1361), entitled:

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6) and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "An act relating to soil conservation and soil erosion, providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources, prescribing the officers and employes thereof and defining their powers and duties, creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon, relative to the enforcement of this act, providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

Mr. MALLERY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, from the Committee on Municipal Government, reported as amended, Senate Bill No. 745, entitled:

An Act to amend section one thousand forty, of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by regulating the number of times and the conditions under which the same subject matters may be presented to the voters in a petition of initiation.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, I noticed a statement in the newspaper made by the Secretary of Commerce, Mr. Brown, concerning the exodus of industry from Pennsylvania.

I have studied this matter for the last few months and am about to submit a report to the Senate proving that his story about the exodus of industries from Pennsylvania is nothing but a convenient myth.

I have in my hands a release of the Census Manufacturers for 1937, dated March 24, 1939, and I want to submit the following figures, showing the industrial growth of Pennsylvania within the years 1935-1937.

Under the number of establishments for 1935 there were 12,926 industrial establishments in Pennsylvania; in 1937,

13,084—an increase of new establishments of one hundred—but when you examine the number of wage earners you find, in 1935, the number of wage earners in Pennsylvania was 814,670 and in 1937 there were 954,340—which is an increase of 150,000 workers.

Wages paid in 1935 were $816,022,112; in 1937 $1,176,957-207, which is an increase of $300,000,000; and finally the most acid and perfect test for industrial growth is the value of manufacturing. In 1935 the value of manufacturing in Pennsylvania was $1,870,467,258 and in 1937 it was $2,664,410,319, which is an increase amounting to almost $800,000,000.

Now, Mr. President, these statistics are covered by a most reliable body of investigation, the Census Manufacture, under the United States Department of Commerce, and they clearly establish the fact that these stories about the exodus of industry from Pennsylvania are nothing but a convenient myth. I have the highest respect for Mr. Brown, but I believe the beginning of the Department of Commerce should be more constructive and I think once and for all we should stop blackening the good name of Pennsylvania and its industrial prosperity.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 331

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), That House Bill No. 331, Printer's No. 613, entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

be recalled from the Governor for the purpose of amendment.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF PENNSYLVANIA TURNPIKE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Thomas J. Evans, Coaldale, Schuylkill County, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1945, and until his successor is appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 1007, entitled:

A Joint Resolution proposing an amendment to section five, article fourteen, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. MILLER read in his place and presented to the Chair, Senate Bill No. 1008, entitled:

An Act to amend section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," providing an exemption in determining the eligibility of war veterans receiving relief while receiving Federal compensation for injuries or disabilities.

Which was committed to the Committee on Welfare, Public Assistance, and Pensions.

Mr. SHAPIRO read in his place and presented to the Chair, Senate Bill No. 1009, entitled:

An Act to amend the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2821), entitled "An act to regulate the sale, and advertising for sale, of goods, wares, and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, receivers, trustees, removal or closing out sale, or sale of goods damaged by fire, smoke, or water, in cities and certain boroughs of this Commonwealth; and to prevent fraudulent practices in connection therewith, and providing penalties for the violation thereof, and for the imposition of license fees for permission to conduct the same," by extending the provisions of said act to certain towns and townships, defining "person," "distress sale" and "closing out sale"; requiring the filing of additional information as to inventories and requiring the posting thereof; limiting the license to such goods as appear in the inventory; providing the effect of commingling goods and providing for the revocation of licenses, hearings thereon and appeals therefrom.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair, Senate Bill No. 1010, entitled:

An Act amending section one of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirteen (P. L. 114), entitled "An act regulating the time of payment of wages and earnings, and providing a penalty for violation hereof," by providing that the first payment made hereunder shall be between the fifteenth and last day of each month.

Which was committed to the Committee on Labor and Industry.

Mr. WOLFENDEN read in his place and presented to the Chair, Senate Bill No. 1011, entitled:

An Act to further amend section nineteen of the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; author-

izing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rate of contribution; requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," by imposing upon certain fraternal benefit societies, the expenses incurred by the Insurance Department, in making examination of such societies.

Which was committed to the Committee on Insurance.

MOTION CALLING UP RESOLUTION SERIAL No. 117

Mr. DENT. Mr. President, I call up at this time from the table the resolution reported from the Committee of Welfare yesterday. I think it is Serial No. 117, and it was reported out as amended. I move the immediate adoption of this resolution.

DIRECTING DEPARTMENT, PUBLIC ASSISTANCE, TO RESCIND ITS ORDER COMPELLING RELIEF RECIPIENTS TO SIGN BOND PLEDGING FUTURE PAYMENT

In the Senate, April 4, 1939.

Whereas, The Department of Public Assistance through its Director Mr. Russel recently issued an order stating that all persons receiving relief must sign a bond in the sum of $5000 which bond binds said persons or dependents to return to the State Government any and all monies received by said persons in the form of emergency relief, and therefore, it is hereby

Resolved, That this General Assembly do (with the approval of the House of Representatives) order the Department of Public Assistance through its Director Mr. Russell to refrain from enforcing the order. That no such bond be required to receive food and clothing when the person receiving same has no gainful employment and is a relief case because of conditions beyond his or her control, and be it further

Resolved, That this mandate of the General Assembly supersede the order of the Secretary of Public Assistance immediately and that copies be forwarded to the Secretary of Public Assistance, the State Board of Public Assistance, to all local Boards of Public Assistance and to the Governor of the Commonwealth and that the Governor is hereby petitioned to enforce the provisions of this resolution.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolution be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection,

The Chair hears none.

On the question,

Will the Senate agree to the resolution.

MOTION TO LAY RESOLUTION ON THE TABLE

Mr. OWLETT. Mr. President, there being another resolution which correctly states the facts in its preamble I move you that this resolution be laid upon the table.

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. It has been moved by the Senator from Tioga, Mr. Owlett, and seconded by the Senator from Susquehanna, Mr. Gelder, that resolution No. 117 be laid on the table.

Are there any objections?

Mr. DENT. Mr. President, as I understand it, a motion to lay on the table is not debatable. I only want an opportunity to speak on this matter.

Mr. OWLETT. Mr. President, I submit that a motion to lay on the table is not debatable.

The PRESIDENT. The Chair rules that that is correct.

Mr. DENT. Mr. President, before the motion is put, I desire to rise to a point of personal privilege.

The PRESIDENT. Not on this matter. I am sorry, but I am bound by the rules.

On the question,

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, we have just seen another Captain Kidd trick, sort of an act of piracy.

Senate Concurrence Resolution No. 117 was introduced April 4, 1939, two days prior to the effective date of an order of the Department of Public Assistance, which demanded that persons receiving relief and subsistance from the State of Pennsylvania sign a $5,000 bond. In that resolution are six whereas clauses.

The Committee named a sub-committee with instructions to take out those particular whereas clauses, to clarify the action of the Public Assistance Boards which they thought were a little too political, and so they struck out all the whereas clauses and I did not object, because the main thing I way striving for, of course, was the elimination of the necessity of signing a bond.

Now, when the resolution was reported out it was conveniently lost for a couple of days, in order to give time for another resolution to be written.

Yesterday representatives of the Workers Alliance were in town, a committee called upon the Secretary of Public Assistance, I am told, and asked him about this bond proposition. He said, "Just wait, there will be a resolution introduced in the Senate today to take the place of the resolution introduced by Senators Dent and Haluska." He said, "They stole the idea from me."

I just want to clarify this for the benefit of Senator Haluska and myself, that the stealing is being done right now, and I might say you are not opposing the idea of the resolution but you are opposing the idea of a Democrat putting it in, and that is the whole story behind the objections of my friend from Tioga, Senator Owlett, because he knows when this other resolution comes up I must of necessity vote for it and I suppose every other Democratic Senator must vote for it also.

Before I am through I am going to call up that resolution in order that we can vote for it, but I just want it clearly understood I know what is happening, and I once called the gentleman from Tioga a big bad wolf and now I am going to call him Captain Kidd.

Mr. OWLETT. Mr. President, I call the attention of

the Senator of Westmoreland, Mr. Dent, to the fact that this resolution was introduced by Senator Deitrick, and not by me.

SENATE RESOLUTION NO. 4—CALLED UP

Mr. DENT. Mr. President, at this time I call up from the table a resolution covering—

Mr. OWLETT. Senate concurrent resolution No. 4, Mr. President, for the information of the Senator, Printer's No. 240. It is printed on the last page of the history.

Mr. DENT. Mr. President, it is not in the history. I will take your word for the number but you do not blame me for checking on you do you?

MOTION FOR ADOPTION OF SENATE RESOLUTION NO. 4

Mr. DENT. Mr. President, I move the immediate adoption Senate concurrent resolution No. 4.

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. It has been moved by the Senator from Westmoreland, Mr. Dent, and seconded by the Senator from Tioga, Mr. Owlett, that Senate concurrent resolution No. 4 be adopted.

Mr. COLEMAN. Mr. President, I ask that the resolution be read for the information of the Senate.

DIRECTING THE SECRETARY OF PUBLIC ASSISTANCE TO DISCONTINUE THE USE OF BONDS TO APPLICANTS FOR PUBLIC ASSISTANCE

In the Senate, May 10, 1939.

Whereas During the last Administration Act No. 397 was passed which provides in Section 4 as follows

"Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency whether owned at the time such expenses were incurred or acquired thereafter Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments" and

Whereas The State Board of Public Assistance on April 6, 1938 submitted to the Attorney General or approval a procedure for the enforcement of the act above quoted and on July 7, 1938 by resolution adopted a form of bond to be filed as a lien against real property and

Whereas The use of said bond was thereafter temporarily suspended and

Whereas The former Attorney General suggested that the Department of Public Assistance should expedite collections from relief recipients by requiring them to furnish bonds containing a clause for the confession of judgment thereby elimnating the necessity of bringing suit against relief recipients and bringing about the savings of large sums of money which opinion was concurred in on March 28, 1939 by the present Attorney General and

Whereas Pursuant to the suggestion of the former Attorney General the Department of Public Assistance effective April 1, 1939 issued instructions that applicants for all forms of assistance excepting blind pensions be required to file bonds which procedure is now in effect and

Whereas The present Department of Public Assistance has recommended and pursuant to said recommendations a bill has been introduced to amend the Act of 1937 so that only the real and personal property of recipients owned at the time relief is granted or acquired during the period of said grants is liable for such repayment and providing also that any judgment obtained for the repayment of relief shall not be enforced against the real and personal property of the recipient comprising his home and furnishings during the life time of such recipient and

Whereas The Department of Public Assistance proposes upon the enactment of said act to abandon the use of said bond and to substitute in lieu thereof an agreement carrying out the provisions of said proposed amended act now therefore be it

Resolved (if the House of Representatives concur) That the Secretary of Public Assistance in view of the above facts be directed to immediately discontinue the use of said bond

Mr. DENT. Mr. President, in making my remarks I said I agreed to allow the whereas clauses of my particular resolution which were political in their nature, according to the objection of the gentleman on the other side, to be stricken from the resolution, but I did not say to them they could take all the so-called political clauses out of my resolution and put worse ones in their resolution.

I want to read, for the information of the Senator, the so-called political clauses in my resolution, which are as follows:

Whereas, This order (referring to the order calling for a $5,000 bond) is the most degrading and demoralizing proposition advanced since the beginning of subsistance and relief grants to persons who through no fault of their own are unemployed, and

Whereas, The principle behind the proposition is unsound and based on prejudice and an assumption that relief recipients as a group are drones and won't do anything to help themselves and that there are many so-called chiselers on the relief rolls which is not supported by findings of fact, and

Whereas, Mr. Russell in his statement concurring this unfair proposition made the illuminating and prophetic statement that homes would not be taken from the estate of deceased relief recipients if said homes were willed to a dependent who is also a relief recipient. Such clarifying statements only tend to show the unreasonableness of this order from the viewpoint of persons who hold no malice or ill-will towards their fellow citizens who can not locate gainful employment, and

Whereas, This proposition and formal order tends to destroy the iniative of thousands of worthy citizens willing to work by forcing them to mortgage not only their own future earnings (if any) but that of their sons and daughters as well, thus placing the children of this large group of citizens in the unhappy yet unique position of no longer being free children in a free nation, but sons and daughters in bondage and whose position and plight may well be likened to that of the early Americans who came to this country as bondage slaves and which practice was stamped out early in the days of Colonial America, and further, this degrading and demoralizing proposition will completely destroy the liberty of freedom of this generation of relief recipients and unemployed but it will hang a millstone around the necks of the next generation and if the insinuations of the Director of Public Assistance is to be given serious consideration through this mortgage on liberty and independence will carry on into future generations of the bonded relief recipients and

Whereas, While we are agreed that relief chiselers are deserving of punishment and all reasonable precautions should be taken to keep such chiselers from the relief rolls, yet we cannot destroy the initiative and future independence of a large group of our citizenary because of this desire to save and economize in the distribution of subsistance relief and so on.

If you listened carefully, and I know you did, to the resolution just read, its whereas clauses say to the people of Pennsylvania, in substance "Now, we issue this order, we, the Republican administration, but look here, the Democrats passed a bill" because it says Section 4 of Act 397 passed by the last administration and they make sure

they put the particular language in this resolution—force us to the position of demanding the signing of a bond, and then they go further in their resolution—it is nothing but a slap at the last administration and purely political from the beginning to end.

Now, I am not going to vote for this resolution now, because it does not do anything. It puts up the proposition we have to vote for the Van Allsburg bills first, and if we pass those bills then the Secretary will do away with the signature on the bonds. I am not going to vote for a resolution that practically says I accept the Van Allsburg system of relief payments. I do not think any Democrat is going to do that or any decent Republican.

MOTION TO STRIKE OUT

Mr. DENT. Mr. President, in order that we do this thing right I move that the resolution beginning with the first word, "Where" up to the last clause of the resolution beginning with the word "resolved" be now stricken from the Resolution.

Mr. HALUSKA. Mr. President, I second the motion.

On the motion,

Will the Senate agree to the motion?

Mr. OWLETT. As I understand the motion, Mr. President, it was to strike out of this concurrent resolution all of the whereas clauses beginning on the first line on the first page and ending with the word "resolved" on the third page; is that correct?

Mr. DENT. Mr. President, it strikes out everything but the "resolved."

Mr. OWLETT. Mr. President, I certainly think my colleagues should vote "no," on this motion. The fact of the matter is, while these whereas clauses are perhaps distasteful to my friends, the Senator from Westmoreland, nevertheless the unfortunate part of it is that they correctly and accurately state the facts, first, that the last administration did pass an Act which contains Section 4, and it is exactly quoted in this resolution; secondly, the State Board of Assistance in 1938 submitted to the Attorney General a procedure for the enforcement of this Act, which involved this very bond that is now taken, and the former Attorney General suggested that the Department of Public Assistance should expedite selection from relief recipients by requiring them to furnish bonds.

Every quotation in those whereas clauses is taken from the official records of the last administration—every single one. When this resolution was introduced originally by the Senator from Westmoreland, Mr. Dent, it was very obviously for the purpose of trying to embarrass this administration, because of the objections that has been raised to the requirements that relief recipients sign a bond.

When we discovered that this bond was a bond suggested by the former Attorney General and was taken pursuant to an Act passed in the last administration, it is very obvious it was thought best that the people know why this bond was being required and the story back of it.

We are in this resolution calling upon the Secretary of the Department of Public Assistance to immediately discontinue the use of this bond, and this resolution states why—namely, that an Act has been now introduced by this administration to amend the Act of 1937, and the Department is preparing agreements to take the place of the bond, and the bond will be discontinued as soon as this amended Act is passed, and we therefore call upon them not to wait until the amended Act is passed to discontinue the use of this bond which is so distasteful to my friend, the Senator from Westmoreland Mr. Dent, and the Senator from Cambria, Mr. Haluska, and the rest of them. It has nothing to do with the Van Allsburg bill but is intended to lay before the people of this State or anybody who reads the resolution the correct history back of this resolution.

I therefore ask my colleagues to vote down this motion.

Mr. DENT. Mr. President, Section 4 of Act 397, which was known as the Relief Act of 1937, this particular section is in that Act, first, because the Constitution so prescribes and, second, because we were interested in stopping, if we could, any relief chiseling, and if we found persons who were chiselers on relief rolls we made it possible for any public agency to sue for the amount that they had received

The Attorney General in his opinion says that they could ask for a signature on the bond, but I submit that as a layman that the language of Section 4 is very clear, and in the interest of trying to give a decent break on this vote I am going to read this section which my colleague says is used for a basis upon which to demand the bond signature.

"Any public body or public agency may sue for monies so expended and any judgment obtained shall be a lien upon the real estate of such indigent persons and be collected as other judgments."

There is nothing in this Act—nowhere in this Act does it say that the lien must be placed before the suit. There is nothing in the Act that says a judgement note must be demanded before the expenditure of the money. This judgment note of $5,000 is a judgment note and a lien upon a debt that is not yet incurred.

In my county there have been eleven hundred persons who were discovered to be so-called chiselers, and under this 1937 Act—Section 4, we recovered in our county $62,000, from those persons. It is unwise to change that provision of the subsistence act because we have to have some legal measure by which we can collect monies from persons who deliberately accept money when they have funds of their own. But I submit, Mr. President and members of this Senate, that this particular clause does not in any way serve a mandate upon the Department of Public Assistance to go out and get the signature, of persons receiving relief, on a $5,000 bond, and so, when I ask that the whereas clauses be striken out I only followed the example set by the Committee on Welfare and Pensions when they struck out the whereas clauses from my resolutions that were not nearly as pointedly political. I covered in those relief clauses what I thought was a condition and some of the effects of that condition upon future Pennsylvanians.

I did not name any particular party but did name the Secretary because he had issued the order, and you are coming at a late date in here with a resolution that is nothing but purely political, in that you say by passing this resolution what you have already said when the relief visitors in my county and I believe in every county in the state, go out and tell the people on relief, "We are only obeying the law, the Democrats are forcing you to sign this bond." That is exactly what happens in my county and I do object to it because the Act did not en-

force the signature on this bond, and if the Attorney General says it does that is merely the opinion of one man. We will probably have another Attorney General some day that will say different, and so when I ask to strike out the whereas clauses you come down to the meat of the whole resolution and say "Resolved, if the House of Representatives concur, that the Secretary of Public Assistance, in view of that fact, be directed to immediately discontinue the use of such bonds," and if you are interested in the discontinuation of this bond you will vote for this particular motion of mine but if you are interested in the politics of it then you will follow the leader.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Very gladly, Mr. President.

Mr. HALUSKA. Mr. President, can the Senator from Tioga tell us the meaning of the last whereas clause of this resolution?

Mr. OWLETT. Mr. President, I will read it for the information of the Senator from Cambria, Mr. Haluska.

Whereas The Department of Public Assistance proposes upon the enactment of said act to abandon the use of said bond and to substitute in lieu thereof an agreement carrying out the provisions of said proposed amended act now therefore be it

Resolved (if the House of Representatives concur) That the Secretary of Public Assistance in view of the above facts be directed to immediately discontinue the use of said bond.

Mr. HALUSKA. Does that mean, Mr. President, rather than the signing a bond entering some agreement, signing a note?

Mr. OWLETT. No, Mr. President.

Mr. HALUSKA. Is it the same proposition, Mr. President?

Mr. OWLETT. It is not, Mr. President, it means that will not be required, and the department has already made plans to discontinue the use of this bond as soon as the act is amended.

Now, for the further information of the gentleman from Cambria, Mr. Haluska, I would like to read the opinion itself of Attorney General Guy K. Bard, written at the request of the Department of Public Assistance, for the Department of Public Assistance in 1938, during the last administration which prepared this bond. The story is that they prepared the bond and started to use it and then—that was near election time, so they discontinued it until after election, and they prepared the bond on the basis of this opinion of Attorney General Bard and I would like to read a little part of it.

"It seems to be highly important that the Department of Public Assistance should expedite collections from relief recipients by requiring them to furnish bonds containing a clause for the confession of judgment, thereby eliminating the necessity of bringing suit against relief recipients. We understand that such practice will mean the saving of large sums of money (this is Attorney General Guy K. Bard speaking) on the part of the Commonwealth, both in setting up the claims and as to the number of employes who would be required for such collections.

"The question of whether or not suits should be filed or that executions should issue in any particular instances would be a matter within the discretion of the Department of Public Assistance, but any action on the part of the Public Assistance Board which would set up as a policy a determination to forego all claims for general assistance and for aid to dependent children would run counter to the public interest and deny to the Commonwealth of Pennsylvania potential collections aggregating many thousands of dollars. Such action on the part of the State Board of Public Assistance would be an abuse of discretion or power which would, in all probability, lay such board open to charges of nonfeasance if not malfeasance in office.

"It is, therefore, our conclusion, and you are accordingly advised, that the State Board of Public Assistance is without discretionary power which would justify their setting up a policy which would forego all claims against relief recipients who had received general assistance or involving aid to dependent children."

Now we can agree, Mr. President, with the gentleman on the left that a bond is not required by the Act, but the Act does require that the Department of Public Assistance collect back from the people receiving relief by judgment obtained and obtaining a lien on the property. That is in the Act passed in 1937 by the former administration.

Now, Attorney General Guy K. Bard came along and suggested they would save a lot of money if they used this judgment bond. We are saying this, too, we want to stop it, but we do not want it sopped in the manner stated in the resolution just laid on the table, because it does not correctly state facts. This bond was prepared by the former administration pursuant to a suggestion of the former Attorney General and it was used, but plans have been made by the present administration to change it and that is the whole story.

Mr. HALUSKA. Mr. President, may I further interrogate the Senator from Tioga, Mr. Owlett?

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. HALUSKA. Mr. President, is it not a fact that if this resolution should pass that will mean the elimination of the bond; is that correct?

Mr. OWLETT. Mr. President, I am not sure that either of these resolutions would compel the department to do it. I understand they propose if we pass it to immediately discontinue the use of it. The resolution says this: "Resolved That the Secretary of Public Assistance in view of the above facts be directed to immediately discontinue the use of said bond." The preamble shows they plan to do it after a certain act has been passed, which is now introduced—we call upon them to immediately discontinue it. Now, if we pass the resolution the bond is finished and that is all there is to it.

Mr. HALUSKA. Mr. President, assuming the resolution shall pass and the bond shall be discontinued, does the Senator from Tioga have any knowledge as to what type of agreement the relief clients must enter into before they can receive relief; because in the last whereas clause it states that they must enter into an agreement. Do you know what type of an agreement that would be?

Mr. OWLETT. Mr. President, for the information of the Senator from Cambria, Mr. Haluska, I shall state that

the Secretary showed some of us a tentative agreement, which has not yet been finally approved, which they were going to suggest be used, if the Board approved. This agreement provides that no money can be collected back from a relief recipient who owns real estate out of the home or furnishings so long as the relief recipient lives or so long as the dependent widow lives, or so long as dependent children live who are dependent on relief—nor can it be taken from his wages after he gets a job.

In other words, it obviously takes the relief recipient who by this act is compelled to refund the money, it protects him as long as he lives and directs that judgment shall not be in force for the repayment of relief against the real and personal property of the recipient, comprising his home and furnishings during the life-time of such receipient, and it also applies to the widow as long as she lives and to the dependent children until they are self-supporting, and it further provides that it shall not be taken out of the wages; it thoroughly protects the relief recipients from losing their homes.

Mr. HALUSKA. Mr. President, as I understand the most important part of this bill it will be an agreement which one must enter into at the time relief is applied for, and I understand now from the remarks made by the Senator from Tioga, Mr. Owlett, that one must enter into some type of an agreement, and that this agreement holds good only while that person is living, the minute he or she might die, if they had a little homestead, that homestead, according to this new agreement, will become the property of this government.

Again I say that is un-Democratic, unpatriotic and un-American, an aged person or a young person applying for relief, and because he or she may have a little property that is no reason why we should say to them that they must enter into some type of agreement that when they die that property shall become our property.

The only ambition of a person today, and that is particularly true of an aged person that has a property, who has been aggressive to own that property and hand that property down to ones left behind them and, under this agreement as I understand it, that property becomes confiscated by the government and becomes the property of the government and I certainly object to any such agreement.

Mr. OWLETT. Mr. President, the trouble with the Senator from Cambria, Mr. Haluska, is that he apparently does not realize under the act they passed in 1937 they are not protected five minutes. Under this act, the State can sue and take the home at any time, as soon as they find they have some real estate, and they must obtain a lien.

Under this law as passed by the Democratic administration in 1937 they will lose the home right away. We want to protect that home not only for them but for their dependent children and the widow.

Mr. HALUSKA. Mr. President, I have always been told that two wrongs never make one right. If the 1937 Session of the Legistlature made a mistake certainly that is no reason why we should follow through, and two wrongs never made a right in 1937 and two wrongs will not make a right in 1939.

Mr. CAVALCANTE. Mr. President, I merely rise to clear up what I think is a lot of misunderstanding. May I say preliminarily that it is unfortunate that we ought to permit a subject as important as this to be tarred with party spirit or political spirit from one side or the other.

I recall very distinctly when the act of 1937 was passed, and if the Republican members of this Senate will go back to the Journal of the day that the act was passed they will find that every Republican, to a man, that was here voted for that bill—for that act of Assembly.

I think there were just a few from the Democratic side that voted against the passage of this bill but that is neither here nor there whenever we come to grips with the seriousness of the subject. As I said, I deplore the fact and anyone else should deplore the fact that politics is injected into consideration of such a vital problem. The Act of 1937, there is no question, provided that a bond may be required before relief was granted, but you read that act nowhere in that act do you find that it provides that a judgment bond was required, and the opinion of the last Attorney General Guy K. Bard, did say that it would save the Commonwealth considerable money if a judgment clause was included, yet the truth and the fact remains that the Department of Public Assistance, under the last Administration, did not resort to that kind of a bond, and notwithstanding Mr. Bard's opinion, I am sure that the more sober-minded people of the last Administration held back the imposition of such a bond on the relief recipients.

Now, there is no use of trying to escape what is factual. The bond, with the judgment clause, was not enforced until this administration; for, mark you this, the same bond, with the judgment clause, was enforced during the last administration why the furore from these relief recipients arising at this time? They did not say anything about the bond they signed under the old administration, the past administration; why all the furore now? Why are they complaining now? What form of a bond, Mr. President what form of an order has this administration issued that has raised this furore among the relief recipients?

I say, members of this Senate, lets us forget politics; let us not blame one side or the other side in such a vital problem as this. What care we about politics or who is to blame? Surely we ought to be in accord that a relief recipient should not be required to sign a judgment bond that can be entered against him even before there is any liability of any kind.

I can easily understand why a judgment clause should be put in a bond when there has been a liability already established, but in the case of a relief recipient we give them the relief award and there is no liability attached to that unless he has obtained that relief award through fraud or, as we commonly term it, chiseling. So, why argue it?

I cannot agree with the gentleman from Westmoreland, Mr. Dent, that we ought to strike out the whereas clauses, because if you strike out the whereas clauses the resolve resolution does not show what you mean by resolving that the Secretary of Public Assistance discontinue the bond. What bond? Unless there is something that goes before that resolution, before that "resolve" clause, that shows what bond is meant?

It is true—I agree with the gentleman from Westmoreland—that these whereas clauses are political in nature, nearly as much as his whereas clauses were political in nature; but we must all agree that this order by Mr. Russell should be modified, it should be eliminated held in

check until this General Assembly, by appropriate legislation, shall determine just what should be the decision on this important subject.

Mr. DENT. Mr. President, being convinced by the argument put up by my colleague, I am going to withdraw my motion to strike out all the whereas clauses. I have conceived another idea.

MOTION TO STRIKE OUT CERTAIN WHEREAS CLAUSES

Mr. DENT. Mr. President, I move that the first whereas clause, the second whereas clause, the third, whereas clause, the fourth whereas clause, the fifth whereas clause, and the seventh whereas clause be stricken from the resolution.

Then in order to explain, it we have this:

"Whereas, the present Department of Public Assistance has recommended, and pursuant to said recommendations a bill has been introduced to amend the Act of 1937 so that only the real and personal property of recipients owned at the time relief is granted, or required during the period of such grants, is liable for such repayment; and, providing also that any judgment obtained for the repayment of relief shall not be enforced against the real and personal property after recipients comprising his home and furnishings during the lifetime of such recipients."

Now, that is not illegal; that does what you want it to do; does it not?

Mr. HALUSKA. Mr. President, I will second the motion again.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, there is a motion pending.

The PRESIDENT. The Chair first wants to know whether the seconder of the first motion from Westmoreland, Mr. Dent, will withdraw his second of it.

Mr. HALUSKA. Mr. President, I withdraw my second to the first motion, and second the second motion.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, cannot do two things at one time.

MOTION WITHDRAWN

Mr. DENT. Mr. President, I withdraw my motion.

Mr. HALUSKA. Mr. President, I withdraw my seconding of the first motion of my colleague from Westmoreland.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, withdraws his motion; and the seconder of that motion withdraws his seconding of it. Therefore the first motion is withdrawn, and the Chair will now entertain the second motion.

MOTION TO STRIKE OUT WHEREAS CLAUSES

Mr. DENT. Mr. President, I now move that the first whereas clause, the second whereas clause, the third whereas clause, the fourth whereas clause, the fifth whereas clause, and the seventh whereas clause, be striken from this resolution.

Mr. HALUSKA. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WALKER. Mr. President, I am at a loss to understand why the motion to strike out the whereas clauses in this resolution. This resolution proposes to correct the situation surrounding this bond evil, and as yet I have heard no comment as to any portion of the whereas clauses being incorrect. This bond situation is something that has been spread upon the record through this resolution, and the comment of the Attorney General, through an official opinion, was read by the Senator from Tioga, Mr. Owlett. It is well known that every department officer is bound by the Attorney General's ruling.

Now, the Attorney General, who handed down the opinion read by the Senator from Tioga, Mr. Owlett, very pointedly suggested it would be easier for the Department of Justice to collect these claims if they had a judgment note on which to proceed, and then they could go in and confess judgment without any necessity of entering suit.

It is well known that under the Act of 1937 this was so and therefore the Commonwealth had a claim or right of action against the recipient of this relief, for money paid out to them and later on all the Attorney General suggested was that they get a judgment note; they would not have the need or necessity of going into the Court of Common Pleas and suing the recipient for the amount of relief he had received and, acting upon that suggestion the Department issued a bond.

Now, in this resolution we are specifically taking the position that we are against this bond, we are against the judgment clause in any kind of agreement, an if they sign the agreement as suggested in the resolution it is merely acknowledging the claim which the Commonwealth has against them under the present law; if the Department of Welfare or the Department of Public Assistance, rather writes into that agreement a judgment clause, a confession of judgment, that is, once more, a bond, and we are against it.

I think the gentleman from Fayette, Mr. Cavalcante, has correctly stated the position what we are interested in is to tell the Department of Public Assistance it has to stop using those bonds, and that is what this resolution does, and there has not been any statement that the whereas clauses do not correctly state the background.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. I will, Mr. President,

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny, Mr. Walker, point to the part of section 4 of the Act of 1937 that would warrant the construction that the Department of Public Assistance can require a judgment bond?

Mr. WALKER. Mr. President, in answer to the gentleman's question, the Department of Public Assistance proferred this matter as a question of law to the Department of Justice, and the Attorney General, answering that question, stated that the Department of Public Assistance could not forego the claims. That was a specific conclusion and in that conclusion I think the average lawyer will agree.

The Department of Justice, however, in a mere dictum of opinion, which was furnished to the Department of Public Assistance, suggested if they would get a judgment clause with a confession judgment clause in it, it

would eliminate the necessity of bringing suit against relief recipients. There is nothing in the law, Mr. President, that requires a bond. It was merely in the opinion of the Attorney General.

Mr. CAVALCANTE. Mr. President, does the gentleman from Allegheny agree with that dictum or recommendation of the Attorney General?

Mr. WALKER. Mr. President, it is not my prerogative to take exception to the law as laid down by the Attorney General. We might disagree.

Mr. CAVALCANTE. Mr. President, I take it, from the words of the gentleman from Allegheny himself that that is merely a suggestion of the Attorney General and not an official opinion on the section itself. What I am interested in correcting is the statement of the gentleman from Allegheny that there is nothing wrong with the whereas clauses, and I am trying to get the gentleman from Allegheny to either agree or disagree with me, that if the Act of Assembly can now be construed to mean that the Department of Public Assistance can require a judgment bond, whether or not these whereas clauses are then wrong, or a number of them are wrong.

Mr. WALKER. Mr. President, the whereas clauses specifically state that the Attorney General of the Commonwealth, in the form of an opinion, suggested the use of the bond, and that is borne out by the records of the Department of Justice, because that formal opinion has already been spread on the record. There is nothing in the Act that says use a bond, and the Attorney General merely suggested it would expedite collection of the claims if they had a judgment bond, without need or necessity of bringing suit. It is under the law that they cannot forego or excuse the claim, and there is nothing in there that says they must use a bond. That came from the Attorney General and was adopted by the Department. Personally, I think it was a very bad provision, and should be eliminated, and that is just what this resolution does.

Mr. CAVALCANTE. Mr. President, will the gentleman admit that at least the outgoing administration did not enforce that dictum of the Attorney General?

Mr. WALKER. Mr. President, I will not attempt to condone or condemn any of the actions of the outgoing administration; I am only responsible for what has happened since January 3, 1939, in my district.

Mr. DENT. Mr. President, as I have listened to the debate put on by the attorneys in the Senate, and still being a layman, I claim that the serious whereas clause in this resolution is only in there for the purpose of saying, in substance, to the persons on relief, that the past administration passed an Act which compells us to force them to sign a bond.

Now, Mr. President, the official opinion of the Attorney General does not in any way instruct the Department of Public Assistance to issue a bond—only as a suggestion, which I may say was probably prompted by the Department head who at that time I believe was Mr. Schweinitz, the able teacher of the present Secretary of Public Assistance.

As I understand it, the whereas clauses, outside of the one I am allowing to remain in the bill, are purely political whereas clauses, and only tend to give the impression that this is an act forced upon this administration by an act of the preceding administration.

Mr. WALKER. The gentleman from Allegheny admits there is nothing in that Act that forces the signing on the bond, he admits it is only a suggestion of the Attorney General, and we in the Senate who voted for that bill should not be condemned for this resolution, for having voted for something that someone has interpreted to suit himself. We voted for it in order to be able to collect money from relief chiselers; and I have shown you where we did collect money from relief chiselers under this Act, and it should not be changed; let us admit it is a political resolution, and proceed with the voting.

Mr. GILSON. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Yes, Mr. President.

Mr. GILSON. Mr. President, the resolution states that it is the intention of the Secretary to discontinue the use of this bond. The resolution that he quotes also states there is nothing compulsory in the issuance of the bond. I then inquire what is the necessity of this resolution at all? The secretary has authority to discontinue the use of the bond. The opinion of the Attorney General is only advisory. The Act does not compel; what is the necessity of this resolution?

Mr. OWLETT. Mr. President, I shall be very glad to answer that. The sole necessity is because this whole thing had been stirred up by the resolution introduced by the Senator from Westmoreland, Mr. Dent, trying to embarrass this administration, and by passing a resolution calling upon the Secretary of Public Assistance to discontinue this, when he planned to do so anyway; and we concluded that if there had to be a resolution of that kind it ought to state the facts.

MOTION TO LAY ON THE TABLE

Mr. GILSON. Mr. President, in view of the fact that from both sides of the House we get the declaration that both these resolutions are purely political in nature I move that this resolution be laid on the table.

The PRESIDENT. There are two motions now before the Senate.

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, I move that the motion of the Senator from Westmoreland, Mr. Dent, be laid on the table.

Mr. GILSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

MOTION TO LAY RESOLUTION No. 4 ON THE TABLE

Mr. GILSON. Mr. President, I now move that Resolution No. 4 be laid upon the table.

Mr. DENT. Mr. President, I second the motion.

Mr. OWLETT. I object, Mr. President.

Mr. PRESIDENT. I move the previous question.

The yeas and nays were required by Mr. DENT, and were as follows viz:

YEAS—12

Cavalcante,	DiSilvestro,	Gilson,	McCreesh,
Coleman,	Eroe,	Jaspan,	Rice,
Dent,	Frey,	Lanius,	Stiefel,

NAYS—27

Bartlett,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	Mallery,	Tallman,

Crowe,	Geltz,	Miller,	Thomas,
Dando,	Haluska,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfenden,
Daly,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

So the question was determined in the negative.

Mr. DENT. Mr. President.

The PRESIDENT. Does the Senator from Westmoreland, Mr. Dent, wish to speak on this same subject. The Chair has been very lenient on this matter and the Chair has been criticised.

Mr. DENT. For which I thank the Chair.

MOTION TO STRIKE OUT WHEREAS CLAUSES

Mr. DENT. Mr. President, I now move that whereas clause Nos. 1, 2, 3, 4 and 5 be stricken from the resolution before the Senate. I leave another whereas clause in.

Mr. HALUSKA. Mr. President, I second the motion.

The PRESIDENT. It has been moved by the Senator from Westmoreland, Mr. Dent, and seconded by the Senator from Cambria, Mr. Haluska, that whereas clauses Nos. 1, 2, 3, 4 and 5 be stricken from the resolution.

On the question,

Will the Senate agree to the motion?

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, I move that the motion be laid on the table.

Mr. WALKER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Walker. I would like to ask him one more question.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

Mr. HALUSKA. Mr. President, did I understand the Senator from Allegheny, Mr. Walker, to say he was opposed to any bond or any judgment clause whatsoever in any agreement? Is that correct?

Mr. WALKER. Mr. President, my answer to that is "yes."

Mr. HALUSKA. Then, Mr. President, does the Senator from Allegheny, Mr. Walker, have knowledge of a clause of that nature in the agreement now pertaining to the properties of aged or relief clients after death?

Mr. WALKER. As I understand it, Mr. President, at the present time there is a bond required; and I am against it.

Mr. HALUSKA. Mr. President, I am asking the Senator from Allegheny whether he has knowledge of the new agreement as outlined by the Senator from Tioga, Mr. Owlett.

Mr. WALKER. Mr. President, the new agreement I have not seen, and I do not know whether it contains a judgment clause and if it has a judgment clause in it I am against it.

Then the question recurring.

Will the Senate agree to the resolution?

It was agreed to.

CONSIDERATION OF THE CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of the calendar.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 376, (House Bill No. 74), on third reading entitled:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth class.

to postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 474, entitled:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for cost upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

CONSIDERATION OF SENATE BILL 474.

Mr. EROE. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. EROE. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. EROE. Mr. President, I ask unanimous consent to amend Sec. 1, page 2, line 11, by striking out the words: S "or by the defendant"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question.

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 25, entitled:

An Act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey,	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,	Rice,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 90, entitled:

An Act relating to chicks and ducklings prohibiting the artificial coloring and sale thereof and providing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, I notice this is an Act relating to chicks and ducklings—prohibiting artificial coloring and sale thereof, and providing penalties.

I wonder if the gentleman from Lawrence, Mr. Eroe, has inquired into the constitutionality of such an act; and I am particularly interested in that because if we can prevent chicks and ducklings from being colored, I have been wondering whether or not on the same theory we cannot prevent the women from using rouge and lipstick.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bartlett,	Edmonds,	James,	Rice,
Cavalcante,	Eroe,	Jaspan,	Scarlett,
Chapman,	Farrell,	Lanius,	Snowden,
Coleman,	Frey,	Letzler,	Stevenson,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Wolfenden,
DiSilvestro,	Heyburn,	Owlett,	Woodward,
Ealy,	Homsher,	Pierson,	

NAYS— 4

Dent,	Haluska,	Stiefel,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 160, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended further regulating the taking of fish from inland waters and the possession thereof changing the fee for securing a duplicate fishing license upon loss of the original and the requirements as to giving notice of closing waters to fishing by the board providing additional penalties and authorizing and regulating the acquisition use control leasing sale and exchange of property by the Board of Fish Commissioners and of rights in or relative to and the products of such property.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey,	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrich,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 197, entitled:

An Act to further amend sections three hundred eleven three hundred fourteen three hundred seventeen three hundred twenty three hundred twenty-one three hundred twenty-two and three hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the definition of county employe to include county institution district employes authorizing the board to employ persons and fix salaries providing for appropriations by institution districts providing for discontinuation of allowance to disabled employes in certain cases and further regulating retirement payments and reinstatement of former employes.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Eroe,	Jaspan,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Snowden,
Chapman,	Frey,	Letzler,	Stevenson,
Coleman,	Gelder,	Mallery,	Stiefel,
Crowe,	Geltz,	McCreesh,	Tallman,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,	Haluska,	Owlett,	Walker,
DiSilvestro,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Rice,	Woodward,
Edmonds,	James,		

NAYS—1

Dent,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 253, on third reading, entitled:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act approved the eighteentth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" increasing share of full-time teachers' salaries to be paid by Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 374, entitled:

An Act relating to the licensing of dogs trained to aid blind persons without the payment of a license fee

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson
Coleman,	Frey,	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. JASPAN, Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1539), entitled "An act providing for the creation, incorporation, organization, and government of county public utility administrations in counties of the second class; providing for referendums to ascertain the will of the electors; authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works, the acquistion of property, and the operation of public utilities, to contract for the payment therefor, or to have the price fixed by the Public Utility Commission; conferring the power of eminent domain; providing for the powers, duties, functions, and immunities of such administration; imposing certain duties and functions in connection with such administrations upon certain county officers; conferring power to enter into agreements with the United States and its instrumentalities, political subdivisions, and municipalities of the Commonwealth, and others; providing for a system of civil service and collective bargaining; and providing penalties; and for other purposes."

go over in its order, in the absence of Senator Kunkel.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 504, on third reading, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court the judges thereof to consist of the retired judges of the Supreme Superior Common Pleas and Orphans' Courts and to perform auxiliary judicial services in the several courts of the Commonwealth and providing for their necessary expenses and for the continuation of their retirement pay while performing such services

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 547, entitled:

An Act to further amend section one of the act approved the third day of May one thousand nine hundred and twenty-three (P. L. 134) entitled "An act making the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the States and providing for their publication and distribution by imposing the duty of printing such proceedings on the Department of Property and Supplies" by extending the provisions of the act to the Society of the Twenty-eighth Division A.E.F.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey,	Letzler,	Stiefel
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WOLFENDEN, Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063) on third reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 613, entitled:

An Act to amend section two hundred one and to repeal clause (b) of section three hundred eleven as amended of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" by including the Western State Psychiatric Hospital and the Philadelphia State Hospital under the provisions of said act, and eliminating certain provisions relating to the commitment of male defective criminals

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	James,	Rice,
Cavalcante,	Eroe,	Jaspan,	Scarlett,
Chapman,	Farrell,	Lanius,	Snowden,
Coleman,	Frey,	Letzler,	Stevenson,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,		

NAYS—1

Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 614, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" as amended fixing the cost of maintenance for private or full-pay patients transferred from State-owned mental hospitals to the Western State Psychiatric Hospital

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Eroe,	Jaspan,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Snowden,
Chapman,	Frey,	Letzler,	Stevenson,
Coleman,	Gelder,	Mallery,	Stiefel,
Crowe,	Geltz,	McCreesh,	Tallman,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,	Haluska,	Owlett,	Walker,
DiSilvestro,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Rice,	Woodward,
Edmonds,	James,		

NAYS—1

Dent,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 672, entitled:

An Act to amend section two of the act approved the eleventh day of July one thousand nine hundred and seventeen (P. L. 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children and providing a penalty for the violation thereof" as amended providing that agencies importing children into the Commonwealth shall

give such guarantee to the Department of Welfare as it may require

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey,	Letzler,	Stierel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. DANDO. Mr. President, I move that Senate Bill No. 695, on third reading, entitled:

An Act to deny a right of action and to relieve counties of liability for damages for injury to or destruction of property by action of a mob or in consequence of a riot and repealing inconsistent acts.

be committed to the Committee on Judiciary General for the purpose of further study.

Mr. EROE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 756, entitled:

An Act providing for the substitution of an acting president judge in any court of the Commonwealth having more than one law judge in certain cases.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Eroe,	Jaspan,	Scarlett,
Cavalcante,	Farrell,	Lanius,	Snowden,
Chapman,	Frey,	Letzler,	Stevenson,
Coleman,	Gelder,	Mallery,	Stiefel,
Crowe,	Geltz,	McCreesh,	Tallman,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,	Haluska,	Owlett,	Walker,
DiSilvestro,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Rice,	Woodward,
Edmonds,	James,		

NAYS— 1

Dent,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 768, (House Bill No. 771), entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made and by adding thereto provisions preserving the lien of chattel mortgages against bailment leases and conditional sale agreements under certain conditions and providing for the filing indexing and docketing of such chattel mortgages in lieu of recordation and providing additional methods for foreclosure of such chattel mortgages.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Bartlett,	Ealy,	Heyburn,	Owlett,
Chapman,	Edmonds,	Homsher,	Pierson,
Coleman,	Farrell,	Letzler,	Scarlett,
Crowe,	Gelder,	Mallery,	Snowden,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,			

NAYS—15

Cavalcante,	Geltz,	Lanius,	Tallman,
Dent,	Haluska,	McCreesh,	Walker,
DiSilvestro,	James,	Stevenson,	Wolfenden,
Eroe,	Jaspan,	Stiefel,	

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS POSTPONED

Mr. CHAPMAN. Mr. President, I move that further consideration of Senate Bill No. 790, on third reading entitled:

An Act to further amend the title and sections one and three of the act approved the tenth day of April one thousand nine hundred thirty-one (P. L. 23) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" by placing the memorial under the supervision and control of the Pennsylvania Historical Commission

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. CHAPMAN. Mr. President, I move that further consideration of Senate Bill No. 797, on third reading entitled:

An Act to further amend the title and section one of and to add section three to the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts p. 32) entitled as amended "An act authorizing the Department of Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and making an appropriation" by transferring the control management supervision restoration and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. CHAPMAN. Mr. President, I move that further consideration of Senate Bill No. 801, on third reading entitled:

An Act to further amend the title and sections three and four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1367) entitled as amended "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof by the Department of Forests and Waters authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission removing the Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission appointed by the Governor from the Board of Trustees of the endowment fund and adding to said board the members of the Pennsylvania Historical Commission

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 810, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for the construction or improvement of curbs sidewalks and roadways along the grounds and buildings thereof and to pay the amount agreed therefor out of their appropriations for support and maintenance or out of any appropriation made for such purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey,	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 817, entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February one thousand nine hundred six (P. L. 45) entitled "An act to regulate the deposits of State funds to prescribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury and repealing inconsistent acts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Gelder,	Letzler,	Stiefel,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Gilson,	McCreesh,	Thomas,
Deitrick,	Haluska,	Miller,	Walker,
Dent,	Heyburn,	Owlett,	Wolfenden,
Ealy,	Homsher,	Pierson,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 841, entitled:

An Act to amend the title and the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled" An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the authority lands of the Commonwealth and interest therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as

amended by authorizing the Authority to equip and furnish projects and the Commonwealth to lease as lesse such equipment and furnishings from the Authority and extending the other provision of the act to include such equipment and furnishings

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Gelder,	Letzler,	Stiefel,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Gilson,	McCreash,	Thomas,
Deitrick,	Haluska,	Miller,	Walker,
Dent,	Heyburn,	Owlett,	Wolfenden,
DiSilvestro,	Homsher,	Pierson,	Woodward,
Ealy,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 847, entitled:

An Act to further amend section eighteen (renumbered section seventeen) of the act approved the second day of June one thousand nine hundred and thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" exempting the obligations issued by land grant colleges

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37.

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Gelder,	Letzler,	Stiefel,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Gilson,	McCreesh	Thomas,
Deitrick,	Haluska,	Miller,	Walker,
Dent,	Heyburn,	Owlett,	Wolfenden,
DiSilvestro,	Homsher,	Pierson,	Woodward,
Ealy,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS POSTPONED

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 851, on third reading, entitled:

An Act to amend section twenty-five of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation by providing for the consolidation of the third class city general registers with the general register of boroughs towns and townships of the county

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 852, on third reading, entitled:

An Act to amend section twenty-four of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as registration commission therefor and prescribing the powers and duties of citizen parties political bodies registration commissions commissioners registrars inspector of registration and other appointees of registration commissions county election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporation real estate brokers rental agents and boards of school directors and imposing penalties" by providing for consolidation of all third class city general registers with the general register of the boroughs towns and townships of the county

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 853, on third reading, entitled:

An Act to amend subsection (a) of section twenty-nine of the Act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and

primaries and the challenge and proof of qualification of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inpector of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that further consideration of Senate Bill No. 854, on third reading, entitled:

An Act to amend subsection (a) of Section twenty-eight of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureau police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars if vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by inceasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CAVALCANTE. Mr. President, this bill has a very long title, but this bill is to the effect, after the Milk Control Commission may make its various orders then, without anyone approving them, they take effect. Now, the way the present Act reads, it gives the Governor the power of veto over those orders.

I cannot go along with this bill; I think that the commission, the Milk Control Commission, should not be given the absolute authority to make its orders without somebody—

BILLS OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask uanimous consent that Senate Bill No. 859, on third reading, entitled:

An Act to amend section three hundred and seven of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bond to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalites fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" removing the requirements that the Governor approve rules regulations and orders issued by the commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 929, on third reading, entitled:

An Act to further amend sections one thousand two hundred one one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes substitutes and temporary employes and further regulating the employment dismissal suspension demotion and retirement of such employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 930, on third reading, entitled:

An Act to further amend section four hundred four of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 933, entitled:

An Act declaring certain restricted state hospitals to be general hospitals and within the limitations of their individual facilities open for the treatment of patients and cases which other general hospitals may treat

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey,	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 980, entitled:

An Act to amend section fourteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended providing an additional cause for vacating commissions of officers and warrant officers of the National Guard

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrich,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 981, entitled:

An Act to amend paragraph one of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" as amended altering qualification requirements for the award of such medals and the specification and design thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Frey,	Lanius,	Stevenson,
Coleman,	Farrell,	Letzler,	Stiefel,
Crowe,	Gelder,	Mallery,	Tallman,
Dando,	Geltz,	McCreesh,	Thomas,
Deitrick,	Gilson,	Miller,	Walker,
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 47, on second reading, entitled:

An Act to amend section four of the act approved the twenty-four day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons public cared for or assisted providing for the support of such persons by certain relatives and for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such persons

go over in its order.

The PRESIDENT. Is there objection?

Mr. HALUSKA. I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HALUSKA. Mr. President, will the Senator from Tioga tell me why he wants Senate Bill No. 47 to go over in its order?

Mr. OWLETT. Mr. President, we have not had a chance to study the amendments that were put in by the Senator from Cambria yesterday.

Mr. HALUSKA. Mr. President, all right.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. OWLETT. Mr. President, I ask unanimous consent

that Senate Bill No. 236 (House Bill No. 236), on second reading, entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 237, (House Bill No. 259), entitled:

An Act to amend section one thousand eight hundred and two of the act aprpoved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An Act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 291, (House Bill No. 342), entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for noncompliance therewith.

And said bill having been read at length the second time and agreed tc,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 292, (House Bill No. 424), entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending and/or repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 359, as follows:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven and validating the liens of such taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any tax collector or receiver of taxes of any county city borough town township school district poor district or institution district shall have failed or neglected to make return to the county commissioners of taxes assessed and levied against seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-seven within the time required by law such tax collector or receiver may legally and validly make return of such taxes in the manner provided by law for such return at any time within six months after this act takes effect and the liens of any taxes for said years so returned under the authority of this act shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at any time when a treasurer's sale is held or on any day to which said sale may be adjourned or readjourned in the manner provided by existing law Provided however That the return of any tax under this act shall not revive or reestablish any tax lien against real estate which was transferred to any bon fide purchaser during the time when any such lien was lost nor shall such return affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the collector to return the tax at the regular time

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 366, entitled:

An Act to further amend section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporatiosn with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

The first section of the bill was read as follows:

Section 1 Section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1675) is hereby further amended to read as follows

Section 1109 Common Trust Funds A A trust company or a bank and trust company in its trust department may establish and maintain one or more common trust funds The term "common trust fund" as used in this section shall mean a fund maintained by a trust company or a bank and trust company for the collective investment and reinvestment of moneys of estates contributed thereto by the trust company or bank and trust company as fiduciary The term "estate" or "estates" as used in this section shall include any trust or other fund administered by the trust company or bank and trust company as trustee committee or guardian

B If the instrument under which a trust company or bank and trust company acts as fiduciary whether such fiduciary capacity arose before or is created after this act takes effect shall limit or restrict the investment of moneys of the estate in securities of the class authorized by law as legal investments the trust company or bank and trust company may in its capacity as sole fiduciary or with the consent of any person acting with it in a fiduciary capacity invest and reinvest moneys of the estate in any such common trust fund maintained by the trust company or bank and trust company provided the securities composing such fund consist solely of securities of the class authorized as legal investments for funds held by fiduciaries

If the instrument under which a trust company or bank and trust company acts as fiduciary whether such fiduciary capacity arose before or is created after this act takes effect shall authorize the investment of moneys of the estate in a common trust fund or in investments other than those designated by law as legal investments or shall authorize the trust company or bank and trust company either alone or in conjunction with any person acting with it in a fiduciary capacity to exercise its or their discretion with respect to the investment of moneys of the estate the trust company or bank and trust company may in its capacity as sole fiduciary or with the consent of any person acting with it in a fiduciary capacity invest and reinvest moneys of the estate in any such common trust fund maintained by the trust company or bank and trust company Any such common trust fund consisting solely of moneys of estates contributed thereto by the trust company or bank and trust company pursuant to authority contained in any such instruments creating the fiduciary capacity to invest moneys of the estates in a common trust fund or in investments other than such legal investments or pursuant to such discretionary power with respect to the investment of moneys of the estates as contained in any such instruments creating the fiduciary capacity may be composed of securities and investments other than those of the class designated by law as legal investments for funds held by fiduciaries including common and preferred stocks

Bonds secured by mortgages and other securities of the class authorized by law as legal investments for fiduciaries shall be deemed proper investments for any such common trust funds provided however that no investment for a common trust fund shall be made in bonds secured by mortgages which would cause the total amount of the investment for such fund in bonds secured by mortgages to exceed forty per centum of the value of all the assets comprising such fund

No moneys of any one estate in excess of twenty-five thousand dollars shall be invested in any one or more of such common trust funds as may be maintained by a trust company or bank and trust company In applying this limitation if two or more trusts are created by the same settlor or settlors and as such as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons such trusts shall be considered as one

C The bank and trust company or the trust company shall invest the moneys of an estate in such common trust fund by adding the same thereto and by apportioning a participation therein to such estate in the proportion that the moneys of the estate added thereto bears to the aggregate value of all the assets of such fund at the time of such investment including in such assets the moneys of the estate so added The withdrawal of a participation from such common trust fund shall be on the basis of its proportionate interest in the aggregate value of all the assets of such fund at the time of such withdrawal The participating interest of any estate in such common trust funds may from time to time be withdrawn in whole or in part by the trust company or bank and trust company and shall be so withdrawn within a period of three months following the written request so to do of any person acting with the trust company or bank and trust company in a fiduciary capacity Upon such withdrawals the trust company or bank and trust company may make distribution in cash or ratably in kind or partly in cash and partly in kind provided that all such distributions as of any one time shall be made on the same basis Participations in such common trust funds shall not be sold to any corporation or person but shall be held solely by the bank and trust company or the trust company as fiduciary and the proportionate undivided interests therein shall be owned solely by the estates of which such bank and trust company or such trust company is fiduciary

If a bond or other obligation for the payment of money is acquired as an investment for any such common trust fund at a cost in excess of the par of maturity value thereof the trust company or bank and trust company may during but not beyond the period that such obligation is held as an investment in such fund amortize such excess

cost out of the income on such obligation by deducting from each payment of income and adding to principal an amount equal to the sum obtained by dividing such excess cost by the number of periodic payments of income to accrue on such obligation from the date of such acquisition until its maturity date

D Such bank and trust company or such trust company shall designate clearly upon its records the names of the estates on behalf of which such bank and trust company or trust company as fiduciary owns a participation in any such common trust fund and the extent of the interest of the estate therein No such estate shall be deemed to have individual ownership of any security in such common trust fund but shall be deemed to have a proportionate undivided interest in the common trust fund The ownership of the individual bonds or other securities comprising any such common trust fund shall be solely in the trust company or bank and trust company as fiduciary

The bank and trust company or the trust company may issue a certificate of participation for any estate whose funds are invested in any such common trust fund Such certificates shall state on its face that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest that it will be paid only when funds become available out of the securities comprising the common trust fund It shall also state any other important condition covering such situation

The bank and trust company or the trust company shall have the exclusive management and control of any such common trust fund and the sole right at any time to sell convert exchange transfer or otherwise change or dispose of the securities and investments comprising any such common trust fund

E Nothing contained in this section shall be construed to authorize a trust company or bank and trust company to invest moneys of an estate in any such common trust fund contrary to any specific limitation or restriction contained in the will deed or other instrument creating the fiduciary relationship nor to limit or restrict the authority conferred upon the trust company or bank and trust company with respect to investments by any such instrument

No mistakes made in good faith and in the exercise of due care and prudence in connection with the administration of any such common trust fund shall be held to exceed any power granted to or violate any duty imposed upon a trust company or bank and trust company as fiduciary

F This section shall not be construed to affect a pool or fund of securities created by a bank and trust company or a trust company prior to the third day of July one thousand nine hundred and thirty-three nor shall the provisions of this section relating to mortgage investment funds be construed to apply to or limit or restrict the operation of any common trust fund established by a trust company or bank and trust company pursuant to the foregoing provisions of this section

On the question,

Will the Senate agree to the section?

Mr. GILSON. Mr. President, I move to amend Sec. 1 (Sec. 1109), page 3, line 29, by striking out the word: S "securities" and inserting in lieu thereof: "assets;" amend Sec. 1 (Sec. 1109), page 4, line 7, by striking out the word: S "securities" and inserting in lieu thereof: "assets;" amend Sec. 1 (Sec. 1109), page 4, line 8, by striking out the word: S "securties" and inserting in lieu thereof: "assets;" amend Sec. 1 (Sec. 1109), page 5, line 5, by striking out the following: S "securities and;" amend Sec. 1 (Sec. 1109), page 5, line 9, by striking out the word: "other;" amend Sec. 1 (Sec. 1109), page 5, line 13, by inserting after the word "made" the following: S "or maintained;" amend Sec. 1 (Sec. 1109), page 5, line 23, by striking out the word: S "such" and inserting in lieu thereof: "much;" amend Sec. 1 (Sec. 1109), page 8, line 1, by striking out with light-face brackets the following: S "security" and inserting in lieu thereof: "asset;" amend Sec. 1 (Sec. 1109), page 8, line 5, by striking out the following: S "bonds or other securities" and inserting in lieu thereof: "assets;" amend Sec. 1 (Sec. 1109), page 8, line 13, by striking out with light-face brackets the following S "certificates" and inserting in lieu thereof: "certificate;" amend Sec. 1 (Sec. 1109), page 8, line 17, by striking out with light-face brackets the following: S "securities" and inserting in lieu thereof: "assets;" amend Sec. 1 (Sec. 1109), page 8, line 28, by striking out the following: S "securities and investments" and inserting in lieu thereof: "assets;" amend Sec. 1 (Sec. 1109), page 8, line 29, by inserting after said line the following: S "E. Every common trust fund shall be established and administered in conformity with the laws of this Commonwealth and of the United States and all rules and regulations from time to time promulgated under the authority of such laws. The Department of Banking with the approval of the Banking Boards may promulgate such rules and regulations regarding the establishment and administration of common trust funds as may be desirable."; amend Sec. 1 (Sec. 1109), page 9, line 1, by striking out the letter S "E" and inserting in lieu thereof: "F;" amend Sec. 1 (Sec. 1109), page 9, line 14, by inserting at the end of said line the following: S "if promptly after the discovery of the mistake, the said trust company or bank and trust company takes whatever action that may be practicable in the circumstances to remedy the mistake."; amend Sec. 1 (Sec. 1109), page 9, line 15, by striking out the letter: S "F:" and inserting in lieu thereof: "G;" amend Sec. 1 (Sec. 1109), page 9, line 19, by striking out the word: S "section" and inserting in lieu thereof: "act."

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the section?

Mr. GILSON. Mr. President, I move to amend Sec. 2, page 9, lines 24 and 25, by striking out the following S immediately upon its final enactment" and inserting in lieu thereof: "the first day of October, one thousand nine hundred and thirty nine."

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It is agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to further amend section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of

existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 377, (House Bill No. 176), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by defining clarifying and limiting certain exemptions imposing the tax upon the value of certain equitable interests personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-reseidents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorney-in-fact

The first section of the bill was read as follows:

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-three (Pamphlet Laws 54) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any resident which as used in this section shall mean any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within the Commonwealth whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company and provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations

having no capital stock secret and benecial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

On the question

Will the Senate agree to the section?

Mr. GILSON. Mr. President, I move to amend page 6, line 9, by inserting after the word "company" and before the word "And" the following: "nor to personal property held in the commercial department and owned in its own right by a banking institution, saving institution or trust company in liquidation by a receiver, trustee or other fiduciary, it being the intent and purpose of this proviso that no tax be assessed or collected upon the personal property enumerated herein."

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 Section 2 of the said act is hereby amended to read as follows

Section 2 That the board of revision of taxes or the commissioners of every county in this Commonwealth shall anuually furnish the assessors of the several townships boroughs and cities of the respective counties with blanks to be prepared by them and it shall be the duty of each of said assessors to furnish a copy of the same to every taxable person copartnership unincorporated association joint-stock association and company limited partnership and corporation in his respective ward district borough or township or to any officer agent or employe found at the place of business of any such limited partnership or corporation in his ward district borough or township upon which blank each taxable person copartnership unincorporated association company limited partnership joint-stock association and corporation shall respectively make return annually of the aggregate amount of all the different classes of personal property made taxable by the first section of this act held owned or possessed by said person copartnership unincorporated association company limited partnership joint-stock association or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company limited partnership joint-stock association or corporation which return shall be made and sworn or affirmed to by such taxable person and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof Provided That any corporation joint-stock association or limited partnership doing business in more than one county shall be liable to make such return only in the county in which its principle office within this Commonwealth is situated and Provided further That whenever any personal property taxable under the provisions of this act was owned by a decedent at the time of his death and is held by his executor or administrator return of such personal property shall be made and the tax paid in the county wherein such decedent was domiciled at the time of his death notwithstanding the residence or location of such executor or administrator or of any beneficiary or the place where such securities are kept and Provided further That whenever any personal property taxable under the provisions of this act is held owned or possessed as trustee agent attorney-in-fact or in any other manner as hereinabove set forth by two or more persons copartnerships unincorporated associations companies limited partnerships joint-stock associations or corporations all of which are residents of the Commonwealth but not all of which are domiciled in the same county return of such personal property shall be made in each county of this Commonwealth where any of the same are domiciled and there shall be paid in each such county that portion of the tax imposed upon such personal property so held owned or possessed as the number of such trustees agents or attorneys-in-fact domiciled therein bears to the total number thereof notwithstanding the residence of any beneficiary or the place where such personal property is kept

Section 3 The provisions of this act shall become effective immediately upon its final enactment and shall apply to all taxes payable during the year one thousand nine hundred and thirty-nine except to such as may already have been paid on the effective date of this act In all cases where any executor administrator or trustee has not made a return for the purpose of the tax payable during the year one thousand nine hundred and thirty-nine as required by this act such return shall be made

within thirty days of the effective date of this act and the tax shall be levied by and paid to such county and as herein provided

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by defining clarifying and limiting certain exemptions imposing the tax upon the value of certain equitable interests personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact.

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Erie, Mr. Gilson.

The PRESIDENT. Will the Senator from Erie, Mr. Gilson, permit himself to be interrogated?

Mr. GILSON. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Erie, Mr. Gilson, if I correctly understand that these amendments now exempt the assets of a closed bank in the hands of a trustee from the personal property tax.

Mr. GILSON. Mr. President, not entirely; they exempt from the county personal property tax the assets in the commercial department of a closed bank, which is a modification of the amendment offered yesterday, which exempted all the assets in the hands of a liquidator or a trustee or a fiduciary of a closed bank.

This has been restricted now to practically what amounts to depositor's interest in those estates in interest-bearing securities or other securities in the trust department. Any securities in the trust departments are not effected by this amendment.

Mr. OWLETT. Mr. President, I am not going to enter into a lengthy discussion of this matter, but simply want to call my colleague's attention to the fact, first, that these amendments were offered to the state personal property tax act and were rejected; and, second, that they affect revenue which the counties will receive from the personal tax and will make it different in that respect from the state personal property tax; and, thirdly, the amount of revenue involved I do not know, but I personally can see no reason for exempting the assets of a closed bank in the hands of a trustee when those same depositors, if they owned those same assets, would have to pay a tax on them. Nevertheless, if it is the wish of the Senate to exempt them, I do not believe the loss would be particularly serious.

Personally I am going to vote "no", because I think if we have a bad law, we had better not make it worse by discriminating in favor of some people and making others pay. However, I do not think it is sufficiently important to have a long discussion on the matter. I just wanted the Senators to be sure they know what they are doing.

Mr. EDMONDS. Mr. President, I entirely agree with the Senator from Tioga, Mr. Owlett, and I particularly agree with him that it is always a mistake, or a hazard, to amend a taxing act on final passage; but in this instance there is an injustice from which a great many of the citizens of our State are suffering.

Depositors in a closed bank administered by the Secretary of Banking, know that those assets do not pay a four mills tax to the counties; where they are administered by a trustee, they know that they do have to pay. In most cases the depositor does not get back one hundred per cent so that practically this is diminution of the principal, and not of income at all; and therefore it seems to me, if it is not a big amount, it would be relieving our taxing system of an obvious injustice if we accept the amendment of the Senator from Erie.

And the question recurring,

Will the Senate agree to the bill on second reading as amended,

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 381, (House Bill No. 284), entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans's court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where

a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 384, (House Bill No. 349) on second reading, entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY Mr. President, I ask unanimous consent that Senate Bill No. 393, (House Bill No. 298) on second reading, entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 438 (House Bill No. 256), entitled:

An Act to amend subsections (b) and (c) of section four hundred twelve clauses three and four of subsections (b) of section nine hundred thirteen and section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 439, (House Bill No. 300) on second reading, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 442 (House Bill No. 470) on second reading entitled:

An Act to amend sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a borough town or township to a city of the third class in the same county and authorizing the registration commission to amend the registers for such boroughs towns townships and cities accordingly and changing time for filing removal notice within same district.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 449, (House Bill No. 573), entitled:

An Act to amend section four hundred and forty-six of the act approved the ninth day of April one thousand nine

hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 450, (House Bill No. 624), entitled:

An Act to amend section nine of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 480, (House Bill No. 423), entitled:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 506 as follows:

An Act to amend section four hundred and eleven of the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempting from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" giving owner of mansion house divided by county line right to choose situs of assessment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and eleven of the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 411 Assessment of Seated Lands Divided by County Lines The elected and appointed assessors of the several counties shall on seated lands make the assessment in the county in which the mansion house is situated when county lines divide a tract of land Whenever the dividing line between two counties shall pass through the mansion house of any tract of land the owner of the land so divided may choose as the situs of assessment either of the counties by a written notice of his election to the commissioners of both counties The elected or appointed assessors of the county so chosen shall assess therein all the tract of land In the event that the owner shall refuse or fail to do so choose then the county in which the larger portion of the mansion house is situated shall have the right of assessment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 520, (House Bill No. 299), on second reading, entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 523, (House Bill No. 664), on second reading, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 524, (House Bill No. 687), entitled:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by extending the power of park guards to police the lands properties and buildings taken for park purposes which are located beyond the limits of such cities

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 565, (House Bill No. 285), entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the election of auditors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 568, (House Bill No. 616), entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 570, (House Bill No. 762), on second reading, entitled:

An Act to amend subdivision heading (i) of article eleven and section one thousand one hundred forty of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 571, (House Bill No. 822), entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width

The first section of the bill was read as follows:

Section 1 Section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2012 Width of Public Roads The width of a public road in townships of the first class shall not be less than thirty-three feet or more than one hundred and twenty feet unless in any particular case the township commissioners shall determine that a road of lesser width will be sufficient for public use and travel Provided That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified

On the question,

Will the Senate agree to the section?

Mr. COLEMAN. Mr. President, I move to amend sec. 1 (Sec. 2012), page 2, line 4, by inserting after the word "travel" the following: S "but in no case shall any public road be less than twenty-four feet in width"

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 573, (House Bill No. 890), on second reading, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 577, (House Bill No. 902), entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township county school district poor and institution district

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 578, (House Bill No. 1068), entitled:

An Act to further amend section five hundred thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the method of filling vacancies in boards of commissioners

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 584, as follows:

An Act to repeal section two of the act approved the first day of April one thousand seven hundred and ninety-seven (3 Smith's Laws 294) entitled "An act to regulate the manner of selling loaf bread and to repeal certain existing laws respecting the same"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the first day of April one thousand seven hundred and ninety-seven (3 Smith's Laws 294) entitled "An act to regulate the manner of selling loaf bread and to repeal certain existing laws respecting the same" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 601, (House Bill No. 559), entitled:

An Act to reenact and further amend section two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities boroughs incorporated towns or townships or any combination thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 609, (House Bill No. 952), entitled:

An Act to repeal the act approved the twenty-fifth day day of June one thousand nine hundred and thirty-seven (P. L. 2123) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters, authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 618, (House Bill No. 193), entitled:

An Act relating to the assesment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 621, (House Bill No. 487), entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenuue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 623, (House Bill No. 553), on second reading entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district

be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 625, (House Bill No. 680), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. EROE. Mr. President, I move that further consideration of Senate Bill No. 626, (House Bili No. 710), on second reading entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys.

be postponed for the present.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 628, (House Bill No. 851), entitled:

An Act to amend clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 667, (House Bill No. 1057), entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 677, as follows:

An Act authorizing counties of the third class to enter into agreements with certain hospitals for the care of contagious disease cases and authorizing such counties to make appropriations thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The board of commissioners of any county of the third class is hereby authorized to enter into agreements with general hospitals within its boundaries for the care of indigent and part-pay patients affected with contagious diseases provided such hospitals have a rating of class A are non-sectarian operated on a non-profit basis and definitely provide free care for the indigent within their zone of influence

The board of commissioners of any such county is hereby authorized and empowered with the approval of the Court of Common Pleas of the County to appropriate money to such hospitals for the construction and equipping of buildings wings or units for the care isolation and treatment of contagious disease cases and may include in such appropriations items with reference to the maintenance operation depreciation obsolescence and division of overhead costs incurred therein as determined by agreement between such hospitals and the board of commissioners of any such county

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 701, on second reading, entitled:

An Act to amend section two of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" by prohibiting the admission of certain children to motion picture exhibitions on Sunday.

be recommitted to the Committee on Law and Order for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 712, (House Bill No. 649), entitled:

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 717, (House Bill No. 899), entitled:

An Act to amend section 571 of the act approved May first one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by changing the conditions of the tax collectors bond fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township county and school institution and poor district taxes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 719, (House Bill No. 1189), entitled:

An Act to amend section six hundred and ten of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 720, (House Bill No. 1234), entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads highways bridges and tunnels by purchase or the exercise of the right of eminent domain providing for the acquiring of fee simple title thereto and the issuance of bonds therefor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 722, (House Bill No. 1259), entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 727, as follows:

A Joint Resolution proposing an amendment to section one article fourteen of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one article fourteen of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 County officers shall consist of sheriffs coroners prothonotaries registers of wills recorders of deeds commissioners treasurers auditors or controllers clerks of the courts district attorneys and such others as may from time to time be established by law and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 737, (House Bill No. 741), entitled:

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 739, (House Bill No. 1078), entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 740, (House Bill No. 1094), entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 741, (House Bill No. 1117), entitled:

An Act to further amend section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and con-

solidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by redefining deductions in case of reinsurance

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 767, (House Bill No. 701), on second reading, entitled:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 770, (House Bill No. 896), entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 780, (House Bill No. 804), entitled:

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from certain provisions of said act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 785, (House Bill No. 1253), entitled:

A Supplement to the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of the Secretary of the Commonwealth" as amended providing for additional fees to be charged and collected by the Department of State

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 802, as follows:

An Act to further amend section two hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" creating additional county detectives in counties of the second class and establishing their salaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consoildating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 276 Appointment in Counties of the Second Class Duties In counties of the second class the district attorney may appoint one chief county detective an assistant chief county detective four county detectives sergeant special county detectives not exceeding twenty-six in number and ten junior county detectives

Such county detectives shall at all times be subject to the orders of the district attorney and shall investigate and make report to the district attorney as to the conduct in office of magistrates constables deputy constables and other officers connected with the administration of criminal justice to make investigations and endeavor to obtain such evidence as may be required by the district attorney in any criminal case and perform such other duties as the district attorney may direct Said detectives shall be general police officers and shall have all powers now conferred on constables by existing laws of this Commonwealth so far as they relate to crime or criminal procedure and in counties of the second class they shall serve subpoenas in cases in which the Commonwealth is a party in a court of record

Said chief county detectives assistant chief county detective county detectives sergeant special county detectives and junior county detectives shall not be entitled to receive any fees whatsoever The chief county detective shall receive a salary of five thousand ($5,000) dollars per annum the assistant chief county detective shall receive a salary of four thousand ($4,000) dollars per annum the four county detectives sergeant shall receive a salary of two thousand seven hundred and twenty dollars ($2,720) per annum each the twenty-six special county detectives shall receive a salary of two thousand six

hundred dollars ($2,600) per annum each and the ten junior county detectives shall receive a salary of two thousand one hundred dollars ($2,100) per annum each together with all necessary traveling expenses which said salary and expenses having been verified by affidavit of the chief county detective assistant chief county detective county detective sergeant special county detective or junior county detective incurring the same and approved by the district attorney shall be paid out of the treasury of the county on a certificate issued by the district attorney directed to the conroller of he county who shall order warants for said amounts according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

The PRESIDENT. For the information of the Senators, the Chair advises that Senate Bill No. 803, at the bottom of Page 32, of today's Calendar, is on the Calendar in error, as this bill has not yet been reported from Committee.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 814, as follows:

An Act to amend section four of the act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred sixteen) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" by making unlawful the selling of ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice for resale to any purchaser not having cabinets cans or other containers exclusively to preserve or hold the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section four of the act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" be amended to read as follows

Section 4 It is unlawful for any person association partnership or corporation to sell offer for sale expose for sale or have in possession with intent to sell any ice cream custard ice cream french ice cream french custard frozen custard sherbets ices or fruit ices in any container which is falsely labeled or branded as to the name of the manufacturer thereof or to misrepresent in any way the place of manufacture thereof or to fail to place on each original container or package the name and address of said manufacturer preceded by the words "manufactured by" or followed by the word "manufacturer"

It is unlawful for any person to use or cause or allow to be used any equipment cabinet can or other container belonging to one manufacturer for the purpose of preserving or holding any ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice manufactured by another manufacturer or for any person manufacturer or employe or agent of any manufacturer to supply or place place or deposit ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice of one manufacturer in any equipment cabinet can or other container belonging to another manufacturer It is unlawful for any person other than the owner to remove erase obliterate cover or conceal any manufacturer's or owner's name insignia device or distinguishing mark which may appear or be placed on any ice cream equipment cabinet can or other container

It is unlawful for any manufacturer jobber distributor or other person association partnership or corporation to sell any ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice to any person for resale unless such person has available at the place of delivery thereof equipment cabinets cans or other containers adequate in size and appropriate in appearance and type to preserve or hold such ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice for resale and not belonging to or bearing upon any part thereof the name insignia device or distinguishing mark of any manufacturer of ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice other than the one whose product is being sold

A manufacturer jobber or distributor his or their employees servants and agents of ice cream custard ice cream french ice cream french custard frozen custard sherbets ices or fruit ices which any person stores preserves holds or places in the equipment cabinet can or other container of another manufacturer jobber or distributor shall be jointly and severally liable and subject to prosecution under the provisions of this act with the person so storing preserving holding or placing said ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ices

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 815, as follows:

An Act to further amend clause (a) of section three of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" regulating the hours of labor for female employes of non-profit charitable or welfare institutions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section three of the act ap-

proved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1547) is hereby further amended to read as follows

Section 3 (a) Except as hereinafter provided no female shall be employed or permitted to work in or in connection with any establishment for more than five and one-half days in any one week or more than forty-four hours in any one week or more than eigh. hours in any one day Provided That one day of rest may be subdivided into two days of twelve hours each for women employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Department of Labor and Industry with the approval of the Industrial Board And provided further That females employed in charitable or welfare institutions operated on a non-profit basis shall be permitted to work for not more than ten hours in any one day which ten hours shall be all within one period of thirteen consecutive hours and not more than forty-eight hours in six days of any calendar week

Where the strict application of the schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act the Department of Labor and Industry with the approval of the Industrial Board may make alter amend and repeal general rules and regulations prescribing variations from said schedule of hours Provided That if it should be held hereafter by the courts of this Commonwealth that the power herein sought to be granted to the said Department of Labor and Industry is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 818, as follows:

An Act to further amend sections ten and fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing further procedure for preserving such liens and enforcing payment of said claim and validating certain municipal liens heretofore revived by suggestion and averment.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as last amended by the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2808) is hereby further amended to read as follows

Section 10 Said claim shall set forth

1 The name of the municipality by which filed

2 The name of the owner of the property against which it is filed

3 A description of the property against which it is filed

4 The authority under or by virtue of which the tax was levied or the work was done

5 The time for which the tax was levied or the date on which the work was completed in front of the particular property against which the claim is filed or the date of completion of the improvement where the assessment is made after completion or the date of confirmation by the court where confirmation is required done

6 If filed to the use of a contractor the date of and parties to the contract for doing said work and

7 In other than tax claims the kind and character of the work done for which the claim is filed and if the work be such as to require previous notice to the owner to do it when and how such notice was given

Said claim shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant except in counties having a controller claims for county taxes levies or assessments shall be signed by or have stamped thereon a facsimile signature of the controller and in the case of a use-plaintiff must be accomplished by an affidavit that the facts therein set forth are true to the best of his knowledge information and belief

Section 2 Section fifteen of said act as amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1001) and the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2808) is hereby further amended to read as follows

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed either before or after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now..... the claimant by..... its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the

claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant except in counties having a controller claims for county taxes levies or assessments shall be signed by or have stamped thereon a facsimile signature of the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 3 No municipal lien heretofore entered and no suggestion and averment heretofore filed in counties having a controller shall be invalidated and discharged or set aside if the claim whereon the lien was entered and the suggestion and averment filed was signed by or has stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 827, as follows:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article fourteen be amended by adding thereto section eight as follows

Section 8 The County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia is hereby abolished Functions of county government within the city and the functions of the Philadelphia courts shall be performed by officers of the city who shall be appointed or elected as may be provided by law but nothing in this section applies to the manner of selecting judges and magistrates Except as the General Assembly may otherwise provide the tax-levying body of the city shall control all expenditures from the city treasury Laws shall be enacted to provide that all appointments and promotions of officers and employes paid out of the city treasury shall be according to merit and fitness No officer or employe whose compensation or the requirements of whose office are met in whole or in part from the city treasury shall receive for his own use any fees or commissions for any work done in the course of his employment by any public agency and all such fees or commissions received shall be paid into the city treasury for the use of the city No law regulating the affairs of cities or counties shall be held invalid as local or special because of the inclusion of provisions giving effect to this section

Section 2 That no inconvenience may arise from the changes in the Constitution of the Commonwealth and in order to carry the same into complete operation it is hereby declared that

This amendment shall be effective immediately upon its adoption

Immediately upon the adoption of the amendment all county and court officers and employes paid out of the city treasury of Philadelphia shall become officers and employes of the City of Philadelphia and until the General Assembly shall otherwise provide shall continue to perform their duties and be elected appointed compensated and organized in such manner as may be provided by the Constitution and laws of the Commonwealth in effect at the time the amendment becomes effective but elected county officers in office when this amendment becomes effective shall be permitted to complete the terms for which they were elected

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 832, (House Bill No. 718), entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 833, (House Bill No. 720), entitled:

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 63) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individiuals counties of the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 840, (House Bill No. 1288), entitled:

An Act to amend the second paragraph of section eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to project built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 843, on second reading entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health establishing a Dairy Advisory Council in the Department of Health conferring powers and imposing duties thereon defining certain qualities for milk providing for inspection of and standards for dairy farms and milk plants providing for the administration of the Act and the establishment of rules and regulations thereunder and for appeals to the Court of Common Pleas of Dauphin County therefrom and imposing penalties and repealing certain acts and parts thereof.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 844, as follows:

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No 103) approved the twenty-eighth day of March one thousand nine hundred and thirty-nine prescribing its powers and duties and re-appropriating the unexpended balance of an appropriation made to the Joint Legislative Commission created by Senate Concurrent Resolution (Serial No 106) approved the sixteenth day of March one thousand nine hundred and thirty-seven

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Joint Legislative Committee appointed pursuant to and under the provisions of Senate Concurrent Resolution (Serial No 103) approved the twenty-eighth day of March one thousand nine hundred and thirty-nine is hereby re-created and continued as a Joint Legislative Committee to study regulations of milk control whose duty it shall be to investigate and study all regulations records and activities of the several departments and boards engaged in any manner in the administration of laws regulating the production and distribution of milk and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation

Section 2 The said committee shall have the power to issue subpoenas under the hand and seal of its chairman requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before it Any person who wilfully neglect or refuse to appear and testify for said committee or to produce any books papers records and documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases

Section 3 The said committee shall have the power to sit during the interim before the Legislative Session of one thousand nine hundred and forty-one and shall report at the next regular or special session of the Legislature such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the consideration of the General Assembly

Section 4 The said committee may employ such clerical assistance as may be necessary and shall have power to call upon any department or agency of the State gov-

ernment for such information as it considers necessary to the study and investigation in which it is engaged

Section 5 The members of said committee shall receive no compensation for their services but shall be reimbursed for actual expenses incurred in the performance of the duties imposed upon them by this act

Section 6 The unexpended balance not to exceed two thousand dollars of the appropriation made by the act approved the second day of July one thousand nine hundred and thirty-seven, Appropriation Acts 1937 page 74) to the Joint Legislative Commission created for the purpose of making an investigation of the tax burden placed upon industries in Pennsylvania and other industrial and mining states by Senate Concurrent Resolution (Serial No. 106) approved the sixteenth day of March one thousand nine hundred and thirty-seven is hereby specifically re-appropriated to the Joint Legislative Committee to study regulations of milk control re-created and continued under the provisions of this act for the payment of the expense of such investigation by the committee including the cost of subpoening witnesses witness fees stenographic and clerical expenses and for the payment of the necessary personal expenses of the members of said committee

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. EROE. Mr. President, I move that further consideration of Senate Bill No. 862, (House Bill No. 845), on second reading entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia, and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 864, (House Bill No. 1201), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 796) entitled "An act providing for the preservation of the records of banks and trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographs or photostatic copies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 865, (House Bill No. 1257), entitled:

An Act to amend the title Section 1 as amended and Sections 5 11 12 13 14 16 17 18 20 21 and 22 of the act approved the twenty-eighth day of Ma, one thousand nine hundred and fifteen (P. L. 587) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto" by transferring administration of the act to the Department of Agriculture defining "Department" and changing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 866, (House Bill No. 1324), on second reading, entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged.

be recommitted to the Committee on Military Affairs for the purpose of further study.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 870, (House Bill No. 1371), entitled:

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (P. L. 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 872, (House Bill No. 297), entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 877, (House Bill No. 623), entitled:

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (P. L. 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 883, (House Bill No. 792), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township, Chester County, Pennsylvania for use in the care and treatment of discharged, sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 886, (House Bill No. 848), entitled:

An Act to amend section one of the act approved the eleventh day of May one thousand eight hundred ninety-three (P. L. 42) entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old infirm or disabled" by extending its provisions to include directors and officers of such corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 889, (House Bill No. 913), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 891, (House Bill No. 956), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 892, (House Bill No. 961), entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions, providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund; and making appropriations necessary to offset such transfers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 900, (House Bill No. 1127), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female), and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 902, (House Bill No. 1148), entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett deceased

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 904, (House Bill No. 1164), entitled:

An Act to amend clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the comsion of certain parts of accounts and auditors' reports from the dockets of such courts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 905, (House Bill No. 1170), entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment to out-of-school, unadjusted individuals in order to enable them to enter, reenter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 907, (House Bill No. 1172), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 908, (House Bill No. 1173), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 909, (House Bill No. 1174), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 910, (House Bill No. 1175), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 911, (House Bill No. 1176), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 912, (House Bill No. 1177), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 913, (House Bill No 1178), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 914, (House Bill No. 1243), entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 915, (House Bill No. 1244), entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 916, (House Bill No. 1245), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt .

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 917, (House Bill No. 1246), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and revenue for the payment of the Loan and Transfer Agent of the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 919, (House Bill No. 1249), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 924, (House Bill No. 1285), entitled:

An Act to amend section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" assigning certain rooms in the State Capitol to the General Assembly

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 926, (House Bill No. 1382), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 935, (House Bill No. 642), entitled:

An Act to amend the title and section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (P. L. 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 939, (House Bill No. 1093), entitled:

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 946, (House Bill No. 1320), entitled:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred nineteen (P. L. 954) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 949, (House Bill No. 272), entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 950, (House Bill No. 737), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of districts superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 959, (House Bill No. 1075), entitled:

An Act to repeal the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board, requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities

of the Commonwealth and prescribing penalties" saving existing leases until terminated or revoked in accordance with their terms.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 970, (House Bill No. 1149), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a reitrement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said fund imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

And said bill having been read at length the second time and agreed to.

Ordered, To be transscribed for a third reading.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 995, on second reading, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page the names of the owners proprietors or publishers and the managing editors of the same and providing a penalty.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. REED. Mr. President, I move that further consideration of Senate Bill No. 886, (House Bill No. 848), on second reading entitled:

An Act to amend section one of the act approved the eleventh day of May one thousand eight hundred ninety-three (P. L. 42) entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old infirm or disabled" by extending its provisions to include directors and officers of such corporations.

be postponed for the present.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 11, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss H. Rosenblat, Pittsburgh, Law and Finance Bldg.

BERKS COUNTY

Bernard S. Esser, Reading.

LEHIGH COUNTY

Miss Frances M. Fritch, Allentown.
Paul W. Weaver, Allentown.

SCHUYLKILL COUNTY

Joseph W. Miernicki, Shenandoah.
Donald Rynkiewicz, Shenandoah.

PHILADELPHIA COUNTY

Sidney B. Gornish, Phila., 613 South Clarion St.
L. Henry Roland, Phila., 3847 North 16th Street.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. EALY,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	James,	Scarlett,
Cavalcante,	Eroe,	Jaspan,	Snowden,
Chapman,	Farrell,	Lanius,	Stevenson,
Coleman,	Frey	Letzler,	Stiefel.
Crowe,	Geldar,	Mallery,	Tallman,
Dando,	Geltz,	McCreesk,	Thomas,
Deitrick,	Gilson.	Miller.	Walker.
Dent,	Haluska,	Owlett,	Wolfenden,
DiSilvestro,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 251, (House Bill No. 140), entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit, declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof to include fences in suburban and similar districts in all cities and boroughs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 311, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by further regulating the incurring, funding and refunding of indebtedness, temporary and permanent; the issuing of bonds by school districts; the retirement of indebtedness, and the borrowing in anticipation of current revenues.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 382, (House Bill No. 345), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 383, (House Bill No. 346), entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 426, (House Bill No. 250), entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes, exempting annuities, allowances, returns, benefits and rights from taxation and judicial process and providing penalties," as amended, by further extending the time for present employes as defined in the act to elect to be covered by the retirement system.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 448, (House Bill No. 394), entitled:

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools in cities of the second class and imposing fines, penalties and forfeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 500, (House Bill No. 681), entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 522, (House Bill No. 538), entitled:

An Act to repeal the act, approved the fifth day of March, one thousand nine hundred and three (P. L. 13), entitled "An act in relation to abandonment of portions of railroads."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 539, entitled:

An Act relating to proceedings for the forfeiture of rights, privileges or franchises of corporations making claim against street railway traction or motor power companies in certain cases; and providing for the disposition of rights, privileges or franchises forfeited and for contracts relating thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 708, (House Bill No. 296), entitled:

An Act to validate mortgage sales of real estate by foreign fiduciaries, executors and administrators and the titles acquired by purchasers at such sales.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 709, (House Bill No. 563), entitled:

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing suspending or revoking licenses; further regulating the procedure of the board; giving associations of funeral directors the right of appeal in certain cases; and extending the power of the board to make rules and regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 730, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," providing for the election, by employers, of persons engaged in domestic service or agriculture.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 742, (House Bill No. 1361), entitled:

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6) and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "An act relating to soil conservation and soil erosion and regulating land use practices, contributing to soil wastage and soil erosion, providing for the organization of soil conservation districts as governmental subdivisioons of the Commonwealth with powers of enacting ordinances and regulations for the preventing and control of soil erosion and the conservation of soil resources, prescribing the officers and employes thereof and defining their powers and duties, creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon, relative to the enforcement of this act, providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 744, entitled:

An Act to amend paragraph (e) of section two hundred and two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain

proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," as amended by act of September 28, 1938, (P. L. 44), by providing further exemptions with respect to the transfer and acquisition of property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 745, entitled:

An Act to amend section one thousand forty, of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by regulating the number of times the same subject matter may be presented to the voters in a petition of initiation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 765, (House Bill No. 322), entitled:

An Act to repeal the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to securing permit or permits for pumps or outlet used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and imposing duties on the Department of Revenue and prescribing penalties."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 771, (House Bill No. 962), entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 781, (House Bill No. 963), entitled:

An Act to amend section one of an act, approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (P. L. 49), entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty nine," as amended by an act approved the second day of July, one thousand nine hundred and thirty-seven, (P. L. 2852), entitled "An act to amend the act, approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (P. L. 49), entitled 'An act supplementary to an act regulating railroad companies, approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations, restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders," so as to provide for consolidation or merger of corporations authorized to do business in this State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 786, (House Bill No. 1297), entitled:

An Act to further amend section five and to amend section six of the act, approved the third day of May, one thousand nine hundred and nine (P. L. 395), entitled "An act regulating the sale of concentrate commercial feeding-stuffs, also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food, possessing nutritive value combined with medicinal properties, defining concentrated commercial feeding-stuffs, prohibiting the adulteration of any feeding-stuff sold, offered or exposed for sale in this State with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seed or other similar adulterants, providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation and repealing act number two hundred and eleven (P. L. 1907, page 273), entitled 'An act regulating the sale of wheat, rye, corn and buckwheat-bran and middlings or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," authorizing the Secretary of Agriculture to make rules and regulations and establish standard further regulating the taking of samples and changing and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 803, entitled:

An Act requiring plans and specifications for the design or construction of certain utilities, structures, projects, works, improvements, and buildings to bear the signature and seal of a registered architect or registered professional engineer of the Commonwealth of Pennsylvania before filing with or acceptance, or approval, or issuance of permit with respect thereto, by any department, board, commission or other body of the Commonwealth of Pennsylvania or any of its agencies or political subdivisions; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 804, entitled:

An Act to amend the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 933), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," as amended, changing limitation upon expenditures by board; revising and changing qualifications for registration; requiring registrants to obtain and use a seal; defining certain terms; requiring certain

building plans to be signed by registrants; prohibiting registration of corporations and firms; prohibiting and making certain acts unlawful and increasing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 831, (House Bill No. 519), entitled:

An Act to amend paragraph six of section two of the act of June seventh, one thousand nine hundred one, (Pamphlet Laws 493) entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," as amended and extended to cities of the third class, boroughs, incorporated towns and townships of the first class, by eliminating the prohibition against connections to waterpipes by persons other than plumbers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 850, entitled:

An Act to repeal the act, approved the third day of April, one thousand eight hundred and sixty-eight (P. L. 639), entitled "An act relative to the compensation of the treasurer of Centre county, the safe keeping of the county funds, et cetera."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 874, (House Bill No. 465), entitled:

An Act to amend article three by adding thereto section three hundred and twenty, and to amend sections nine hundred and one, one thousand one hundred and five, and one thousand one hundred and eleven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for the arrangement, and reorganization of business organizations under the National Bankruptcy Act, for the further merger and consolidation of certain corporations, and further regulating the dissolution of such corporations and the survival of remedies after dissolution.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 875, (House Bill No. 482), entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the steps in wild-life-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 881, (House Bill No. 780), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift, grant or other lawful means, certain canal properties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 882, (House Bill No. 781), entitled:

An Act authorizing the Secretary of Forests and Waters with the approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 893, (House Bill No. 996), entitled:

An Act to amend section three hundred eight, and section seven hundred two, as amended, of the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments, to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by facilitating the procedure to borrow money and to acquire or dispose of real estate; and to facilitate the approval of amendments by members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 936, (House Bill No. 673), entitled:

An Act to amend subsections (6) and (7) of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilties certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle; and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligation issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for reviews by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by excluding from the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" persons or corporations who furnish tansportation of school children exclusively or transportation of materials in dump trucks.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 953, (House Bill No. 1062), entitled:

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth, defining various words and phrases, vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth, making available for public water supply purposes water rights heretofore or hereafter acquired but not used, providing for hearing by the Water and Power Resources Board and for appeals from its decisions, fixing fees, granting to all public water supply agencies heretofore or hereafter create the right of eminent domain as to waters and the land covered by said waters, repealing all acts or parts of act, inconsistent herewith, including Act No. 109, P. L. 152, approved April 13, 1905; Act No. 307, P. L. 455, approved June 7, 1907; Act No. 64, P. L. 258, approved April 8, 1937.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 969, (House Bill No. 1036), entitled:

An Act to regulate and restrain the sale, purchase, exchange, pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits, except ethyl alcohol; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents, providing for hearings and appeals to the court of common pleas, forbidding transactions in such certificates in this state except as herein provided; prescribing and imposing penalties and providing for the disposition of filing registration and permit fees.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 971, (House Bill No. 1225), entitled:

An Act to further amend clause (f) of section twelve of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents, widow's and children's exempting debts of decedents, rents of real estates as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate legacies, including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devise at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings, devised the abatement and survival of actions and the substitutions of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization or corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 982, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," authorizing the board to issue permits for certain nets; making it unlawful to make, sell or possess certain nets; and providing penalties.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Friday, May 12, 1939 at 12:30, a. m., E. S. T.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:23 o'clock, p. m., until Friday, May 12, 1939, at 12:30 o'clock a. m., E. S. T.

HOUSE OF REPRESENTATIVES

THURSDAY, May 11, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

O Lord, may the tides of Thy grace flow freely through the channels of our lives. According to Thy will direct the labor of our hands, the emotions of our hearts, the thoughts of our minds, and the purposes of our wills. Help us to yield ourselves to the influence, the inspiration, and the instruction of the Galilean Teacher. Light the altars of our hearts with the flame of Thy love, that the learned may lift up the lowly, the strong may stoop to the needs of the weak. O let us so do our work from day to day that we shall receive the blessings of labors well done and of burdens faithfully borne. May none of us forget our mothers or memory of her on this coming Mothers' Day. And when our earth's day's work is done, may our tired feet range through the green valleys, watered by the infinite showers of love, truth, justice, and mercy as revealed by Jesus Christ, our Saviour. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ALLEN, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 456. (HOUSE BILL No. 1497).

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 675. (HOUSE BILL No. 1498).

An Act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties.

Referred to the Committee on Banking.

SENATE BILL No. 792. (HOUSE BILL No. 1499).

An Act to amend sections three hundred ten and three hundred eleven of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by providing for monthly returns and payments by issuing agents.

Referred to the Committee on Game.

SENATE BILL No. 794. (HOUSE BILL No. 1500).

As Act to further amend sections two hundred twenty-three two hundred twenty-four and two hundred twenty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundaries lakes and boundary rivers of the Commonwealth" by providing for monthly returns and payments by issuing agents.

Referred to the Committee on Fisheries.

SENATE BILL No. 505. (HOUSE BILL No. 1501).

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments.

Referred to the Committee on Banking.

SENATE BILL No. 748. (HOUSE BILL No. 1502).

An Act to amend section forty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registra-

tion commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," to provide for the preservation of registration records.

Referred to the Committee on Elections.

SENATE BILL No. 749. (HOUSE BILL No. 1503.)

An Act to amend section thirty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to provide for the preservation of registration records.

Referred to the Committee on Elections.

SENATE BILL No. 750. (HOUSE BILL No. 1504.)

An Act to amend sections thirty-three and thirty-four of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at the elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

Referred to the Committee on Elections.

SENATE BILL No. 751. (HOUSE BILL No. 1505).

An Act to amend sections thirty-two and thirty-three of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens; parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

Referred to the Committee on Elections.

SENATE BILL No. 457. (HOUSE BILL No. 1506).

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

Referred to the Committee on Public Utilities.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, May 8, 1939.

Joseph Saxton, a former resident of Huntingdon, was one of the world's most outstanding inventors.

Joseph Saxton, without benefit of higher education, was nevertheless a prolific inventor. His scientific skill and mechanical ingenuity won him recognition on two continents. As one of the fifty charter members of the National Academy of Sciences he did much to foster the early development of American Industry.

Among his most famous inventions are the first magneto-electric machine (forerunner of the modern electric generator) and the metallic cartridge which revolutionized the world's weapons. Scores of other inventions were the product of his fertile imagination.

A native of Huntingdon, Pennsylvania, a citizen of Philadelphia, and in later years a resident of Washington, D. C., he contributed in no small measure to the advancement of his state and his nation. Never did he invent for pecuniary gain. He gave liberally of his labors apparently without thought of reward. His works elicited comments from the eminent scientists of his day, such as Michael Farady and the British engineers, Telford and Brunel, with all of whom he was intimately acquainted.

These achievements reflect great honor upon the Commonwealth of Pennsylvania, and are worthy of being commemorated in some fitting manner by the Commonwealth.

The fitting commemoration of outstanding achievements performed by native Pennsylvanians acts as an incentive to others to perform meritorious service; therefore be it

Resolved, (if the House of Representatives concur) That the Pennsylvania Historical Commission is hereby authorized to obtain or prepare a suitable memorial to commemorate the noteworthy achievements of the said Joseph Saxton, a former Pennsylvanian, and erect or place the same at a suitable place in the Capitol Building at Harrisburg

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

ALIEN REGISTRATION

Resolutions from citizens of Philadelphia opposing House Bill No. 134.

Referred to the Committee on Labor.

PUBLIC ASSISTANCE

Petitions from citizens of Philadelphia advocating the passage of House Bill No. 206.

Referred to the Committee on Welfare.

TEACHERS' TENURE

Resolutions from the Miller Memorial Baptist Church of Philadelphia;
The Women's Overseas Service League of Philadelphia;
The Wood, Wire and Metal Lathers Union of Philadelphia;
The Commercial Refrigerators Union of Philadelphia;
The State, County and Municipal Workers, Local 46, of Philadelphia;
The Independent Teachers' Association of Lackawanna County;
opposing any measure which would tamper with the present Teacher Tenure Act.

Referred to the Committee on Education.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 436 AND 437

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 436, Printer's No. 193, entitled, "An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws."

House Bill No. 437, Printer's No. 221, entitled, "An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 483 AND 576

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 483, Printer's No. 457, entitled "An Act providing for the appointing of deputy controllers in cities of the second class A and prescribing their powers and duties."

House Bill No. 576, Printer's No. 428, entitled, "An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled 'An Act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' as amended extending the time during which application may be filed for veterans' compensation."

ARTHUR H. JAMES.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 282.

An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 37) entitled "An act relating to and removing the remaining additional persons now serving as Pennslyvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors"

HOUSE BILL No. 549.

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth" as amended by providing for equipment allowances increasing and extending clothing allowances and requiring a report by commanding officers

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 964.

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 23, by inserting after the word "agencies" the words "with the approval of the Board."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185,

Achterman,	Eckels,	Leisey,	Schrope,
Ackermann,	Ely,	Levy,	Schwab,
Allen,	Ewing,	Leydic,	Seif,
Alspach,	Falkenstein,	Lichtenwalter,	Serrill,
Andrews,	Fauset,	Long,	Shaw,
Atkins,	Fisher,	Lovett	Shearer,
Auker,	Fiss,	Lyons,	Simons,
Baker,	Flanagan,	Malone,	Sloan,
Balliet,	Fleming,	Marr,	Snyder,
Balthaser,	Foor,	Matthews,	Sollenberger,
Bardes,	Freed,	McClester,	Stambaugh
Bennett,	Fullerton,	McGarrity,	Stank,
Bohn,	Furman,	McKinney,	Stewart,
Boies,	Gates,	McLane,	Stockham,
Boney,	Gillan,	McNally,	Sweeney,
Boorse,	Gillette,	McVay,	Tahl,
Boose,	Goll,	Melchiorre,	Tarr,
Bower,	Gorski,	Montgomery,	Taylor,
Brancato,	Habbyshaw,	Mooney,	Terry,
Bretherick,	Haines,	Moran,	Thistle,
Broad,	Hall,	Moser, F. S.,	Thompson, G. R.,
Bronson,	Hamilton,	Moser, J. L.,	Tiemann,
Brown, H. S.,	Harbeson,	Muir,	Tronzo,
Brown, S. W.,	Harkins,	Munley,	Trout,
Brunner,	Haudenshield,	O'Dare,	Van Allsburg,
Burns,	Henry,	O'Neill,	Voorhees,
Burris,	Hewitt,	Peacock,	Wagner,
Cadwalader,	Hindman,	Peale,	Walsh,
Calvin,	Hocke,	Readinger,	Watkins,
Carpenter,	Hoffman, J. N.,	Reagan,	Webster,
Check,	Holland,	Reese, D. P.,	Weiss,
Chervenak,	Hoyt,	Rhodes,	Welsh, E. B.,
Christler,	Huntley,	Rider,	Welsh, M. J.,
Clark,	Imbrie,	Riley,	Westrick,
Cook,	James,	Robertson,	Wilkinson,
Cordier,	Johnston,	Rooney,	Williams,
Corrigan,	Jones,	Rose,	Wilson,
Cortese,	Kane,	Roseberry,	Winner,
Curran,	Keenan,	Rosenfeld,	Wood, H. M.,
Dalrymple,	Kenehan,	Rothenberger,	Wood, L. H.,
DeNote,	Kline,	Royer,	Wood, N.,
Dick,	Knoble,	Sarge,	Woodside,
Dix,	Kowalski,	Sarraf,	Yeakel,
Donahue,	Krise,	Scanlon,	Turner,
Downey,	Lee,	Schrock,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 964.

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. WEBSTER from the Committee on Education reported as committed, House Bill No. 906, entitled:

An Act to amend clauses six and nineteen and to eliminate clause seven of section twelve hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven, (Pamphlet Laws 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the

violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class, increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

Mr. WEBSTER from the Committee on Education reported as amended, House Bill No. 777, entitled:

An Act to reenact and amend the act, approved the fifth day of June, one thousand nine hundred thirty-seven (P. L. 1660), entitled "A supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases," by increasing the salaries of fourth class school teachers; and making an appropriation.

Mr. CORDIER from the Committee on Municipal Corporations reported as committed, House Bill No. 1456, (Senate Bill No. 140), entitled:

An Act affecting cities of the second class A, authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith, placing duties upon or affecting courts of quarter sessions, county boards of elections and officers of boroughs, townships and cities of the second class A, and providing for the payment of the indebtedness of the various territorial units involved

RESOLUTIONS

RECALLING HOUSE BILL NO. 1074 FROM THE GOVERNOR

Mr. WOODSIDE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), that House Bill No. 374, Printer's No. 615, entitled "An act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL NO. 374 FROM THE GOVERNOR

Mr. HABBYSHAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), that House Bill No. 1074, Printer's No. 387, entitled "An act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled 'An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties' changing the numbers and terms of members further defining their powers and duties and terminating the terms of members now in office," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SYMPATHY EXTENDED

Mr. SARGE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 10, 1939.

Gabriel H. Moyer, of Palmyra, a former Member of this House, lawyer and former manager of the Workmen's Compensation Fund, and one of Lebanon County's best known and highly respected citizens, died from a heart attack, May 8th, in Hummelstown, Pennsylvania.

Born in Palmyra, November 9, 1873, the deceased received his early education in the public schools and the Palmyra Academy. He was graduated from Dickinson School of Law in 1898 and the next year, began the publishing of the Palmyra Record. Later, he served a short period as a deputy sheriff of Lebanon County. which position he resigned to practice law. Always a staunch Republican, the deceased was a delegate to the Republican State Convention in 1897 and 1901, became Chairman of the Republican County Committee in 1901 and served as a Member of the House of Representatives of the Commonwealth during the 1905, 1907 and 1909 Sessions.

In addition to his political activities, Mr. Moyer was very active in civic, religious, and fraternal affairs. He was a director and officer of the Valley Trust Company of Palmyra, a member of the Lutheran Church, and a past State and National President of the P. O. S. of A., as well as a member of the Elks and Odd Fellows, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth, that the community in which he lived and the County of Lebanon have lost a resident who served it well during his public life and whose service in the interests of the people, will long be remembered and that the Members of this House extend to the widow who survives him, its deep and sincere sympathy, and be it further

Resolved, That the Chief Clerk of this House shall transmit a copy of this resolution to Mrs. Gabriel H. Moyer, widow of the deceased.

MOTHER'S DAY

Messrs. ROSE and TARR offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 11, 1939.

Of all the days set apart and observed in commemora-

tion of some special historical event as a day of celebration or thanksgiving, none stands out as more deserving of, and entitled to, observance than the one so close upon us.

On Sunday, May 14th, the Nation will observe Mother's Day.

No business or governmental agencies will close in special tribute, but the sons and daughters of the Nation will be gratefully remembering these mothers who bore them and guided them safely to maturity, with smiles of gladness for those who are still here and with tears of sadness for those who have gone.

The Nation has progressed and prospered and continues because of the goodness and greatness of the mothers who bore those who have guided its destiny.

There is no deeper, stronger, more enduring tie in all the world than that deathless love that ever exists in a mother's heart for her child.

It is that love which produces faith and trust and confidence for, as has been truly said, "Mother is the name for God in the life and hearts of children." therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the Members of this House can today do no more worthy thing than to pause and pay tribute to those mothers who are responsible for our being here, whose deep love guided us securely in the ways that won for us the trust and confidence of our fellow men and who are responsible for any success that has or may be ours.

They have wept for us, prayed for us, slaved for us and fought for us and no more fitting lines can be penned as a tribute to their bravery than these of Joaquin Miller:

"The bravest battle ever was fought
Shall I tell you where and when?
On the maps of the world you will find it not
It was fought by the mothers of men."

BIRTHDAY CONGRATULATIONS

Messrs. BRUNNER and LLOYD H. WOOD offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 11, 1939.

Squire Boorse had a party last night.

Squire Boorse is none other than the Honorable Howard F. Boorse, a Member of this House from Lansdale in the County of Montgomery.

The party was a surprise party given by his wife and the occasion was his birthday.

There is no Pennsylvania Manual yet published from which his age can be ascertained, but it is plausible to conclude that he is upwards of twenty-one years of age.

The "Squire" has been a Justice of the Peace and the most gladsome light of jurisprudence in the Borough of Lansdale for many years, and it is also plausible to conclude that in his community he dispensed justice like unto Solomon, otherwise his constituents would not have sent him here to add his brilliance, founded upon his great store of wisdom, to the deliberations of this House; therefore be it

Resolved, By the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That we heartily congratulate our fellow Member, the Honorable "Squire" Howard F. Boorse upon the occurrence of his birthday and not only wish him many happy returns of the day, but we hope that they will often be celebrated here with us and that as his days grow longer, his parties will grow larger and more inclusive; and be it further

Resolved, That as a lasting souvenir of this particular birthday, a copy of this resolution shall be prepared and transmitted to the "Squire" by the Chief Clerk of this House.

The SPEAKER. The Chair now recognizes the gentleman from Montgomery, Mr. Boorse.

Mr. BOORSE. Mr. Speaker and members of the House, as Charlie Terry tells me, murder will out and how true that is. I want to thank you most heartily for your kind consideration of me on my twenty-first birthday.

The SPEAKER. The gentleman is out of order. The Parliamentarian informs me that a gentleman who is just celebrating his twenty-first birthday is illegally on the floor.

The SPEAKER. The Chair requests the gentleman from Warren, Mr. Muir, to preside.

MR. MUIR IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1445, entitled:

An Act to amend subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by exempting certain property from execution in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 190, entitled:

An Act to further amend section seven hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prscribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by making changes in fees for certain commercial motor vehicles and truck tractors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1309, entitled:

An Act to further amend section one thousand two hundred seven of the act, approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), en-

titled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring magistrates to report to local authorities fines and penalties collected; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1341, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, miscellaneous receipts; making an appropriation and providing for refunds;" extending the jurisdiction and powers of mayors, burgesses, magistrates, aldermen, justices of the peace and other officers having the power of committing magistrates in criminal proceedings, and of magistrates, aldermen and justices of the peace in civil proceedings under said act; fixing fees to be charged in cases of summary conviction and changing penalties and the circumstances under which operating privileges shall be revoked.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 943, entitled:

An Act approving, ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and water in the Ohio river drainage basin and making the State of Pennsylvania a party thereto; creating the "Ohio River Valley Water Sanitation Commission;" providing for the members of such commission from the State of Pennsylvania; and providing for the carrying out of said compact.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 931, entitled:

An Act to amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" providing for contribution rates based on compensation experiences.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 401, entitled:

An Act to prohibit the solicitation of retainers or employment to present, settle, prosecute or defend claims or actions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 249, entitled:

An Act to amend so much of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 167), entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law, for the said districts," as relates to the forty-seventh judicial district, by reducing the number of judges of the court of common pleas of said district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1052, entitled:

An Act to regulate motor vehicle junk yard business; to provide for the issuance of licenses for each motor vehicle junk yard; prescribing the method and manner of obtaining such licenses and prescribing the fees therefor; prohibiting motor vehicle junk yards within sight of a state highway; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 717, entitled:

An Act to further amend section nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optom-

etry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the granting, suspension and revocation of the licenses of optometrists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1421, entitled:

An Act to amend the act, approved the seventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine), entitled "A supplement to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred and twenty-one), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section three, imposing and providing for, interest penalties on the estate taxes imposed under the provisions of the said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1169, entitled:

An Act to amend section 1104 and section 1105, 1121, 1127 and 1134 as amended of the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating the tenure of office and salaries of county and assistant county superintendents and district and assistant district superintendents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 793, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings;" providing that in cases where a person is accused of manslaughter by means of a motor vehicle, he may be admitted to bail by the justice, mayor, recorder, magistrate or alderman.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1408, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the appointment of boards of health and health officers; conferring powers and imposing duties upon said boards and health officers; and conferring certain powers upon the Secretary of the State Department of Health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER. House Bills Nos. 1298 and 1423 are not on file and will therefore be passed over.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1461, (Senate Bill No. 235), entitled:

An Act to repeal the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2465), entitled "An act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission; establishing its jurisdiction, powers and duties; and creating and providing for approved motor vehicle appraisers; establishing their powers and duties; regulating the sale, trade-in allowance, appraisals and information furnished the Commonwealth on motor vehicles, new and used, establishing regulations concerning speedometers; authorizing the commission to establish periodical prices for used motor vehicles, either sold or traded, in establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicles dealers and salesmen and approved motor vehicle appraisers, and the payment of fees therefor; authorizing examination of the business papers and affairs of, and requiring the filing of reports by, licensees; authorizing and empowering the commission to hold hearings and to issue rules and orders, and the issuance of subpoena by the commission or its agents; and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission: providing for appeals to the courts from decisions of the commission; imposing penalties; and making appropriations," and abolishing the motor vehicle dealers' commission; and terminating the terms of its members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1434, (Senate Bill No. 461), entitled:

An Act to amend paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1440) entitled "An act establishing a court of record in the county of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing

to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" by extending the provisions of the act to children under eighteen years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1435, (Senate Bill No. 462), entitled:

An Act to amend Clause 2 of Section 1 and Sections 4 6 7 8 and 14 of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" by extending the provisions of the act to children under eighteen years of age

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1480, (Senate Bill No. 486), entitled:

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which such corporations may issue policies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1442, (Senate Bill No. 422), entitled:

An Act to amend section one thousand and four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen' Insurance Fund providing penalties and repealing existing laws" as amended by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business to write policies without contingent liability in such policy or in the power of attorney

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1468, (Senate Bill No. 492), entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1467, (Senate Bill No. 458), entitled:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1439, (Senate Bill No. 408), entitled:

An Act to authorize insurance companies to include in any general blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 252, entitled:

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Ellwood J. Turner) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Warren, Mr. Muir.

BILLS ON SECOND READING

Mr. WOODSIDE. Mr. Speaker, for the benefit of the members of the House it should be stated I think, that we are proceeding under an agreement that bills to which objections have been made by the minority will not be called up. They will be passed over.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1263, entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to certain officers and men employed and paid by such cities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore and subsequent to the first day of January one thousand nine hundred and thirty-two any city of the first class for any reason shall have reduced the compensation regularly paid to any officers or men employed and paid by it except officers and men employed in the police department fire department or as park guards in the park service of such city for any period or periods of time such city is hereby required within six months after the effective date of this act to pay all such persons from whom any part of

their compensation has been withheld or to the personal representatives of any such person who may have died the full amount of any portion of such compensation not heretofore paid Any such person who has not heretofore been paid the full amount of compensation due him shall be entitled to such payments notwithstanding the fact that he may have acknowledged in writing or otherwise receipt of the full amount of the compensation due him

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 910, entitled:

An Act to amend section three and clause (a) of section seven of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Penn- Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" defining "current labor dispute" and prescribing qualifications for representatives for the purpose of collective bargaining and of officers of labor organizations

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three and clause (a) of section seven of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" are hereby amended to read as follows

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes any person acting directly or indirectly in the interest of an employer but shall not include the United States or the Commonwealth or any political subdivision thereof or any person subject to the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time or any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in conneciton with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment but shall not include any individual employed as an agricultural laborer or in the domestic service of any person in the home of such person or any individual employed by his parent or spouse

(e) The term "representative" includes any individual or labor organization

(f) The term "labor organization" means any organization of any kind or any agency or employe representation committee or plan in which employes participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay hours of employment or conditions of work but shall not include any labor organization which by ritualistic practice constitutional or by-law proscription by tacit agreement among its members or otherwise denies a person or persons membership in its organizatoin on account of race creed or color

(g) The term "unfair labor practice" means only these unfair labor practices listed in section six of this act

(h) The term "labor dispute" includes any controversy concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employe

(i) The term "current labor dispute" means any labor dispute until the employer has been able to resume production in volume sufficient to fill orders as scheduled or to give normal service to his customers

[(i)] (j) The term 'Board" means the Pennsylvania Labor Relations Board created by section four of this act

[(j)] (k) The singular shall include the plural and the masculine shall include the feminine and neuter

Section 7 Representatives and Elections (a) Representatives designated or selected for the purposes of collective bargaining and the officers of labor organizations shall be citizens of the United States and the majority of them shall be employes of the employer or employers in reference to whose employment the organization or unit exists Such representatives designated or selected by the

majority of the employes in a unit appropriate for such purposes shall be the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided That any individual employe or a group of employes shall have the right at any time to present grievances to their employer

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. PEALE. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1374, entitled:

An Act to amend sections two and four of the act approved the first day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the rights of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives to a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and election and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" restating the findings and policy in respect thereto prescribing further qualifications for and reducing the salaries of members of the Pennsylvania Labor Relations Board and making rules and regulations of the board subject to the approval of the Secretary of Labor and Industry

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two and four of the act approved the first day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" are hereby amended to read as follows

Section 2 Findings and Policy [(a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweat-shops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collective bargaining tend to lead to strikes lock-outs and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health

(b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers] (a) Unsettled conditions between capital and labor whether the cause therefor lies on the one side or on the other seriously deters the forward movement of trade and industry It affects the obtaining of raw materials and the manufacture and processing of goods and commodities Production trade prices and wages are each indispensable one to the other Employment and wages exist only as the result of prosperous markets

(b) The elements tending towards industrial unrest are largely inequality of bargaining power and unwarranted practices on the part of persons in control of labor organizations Both have a direct and unfortunate bearing on the welfare of employers employes and the public

(c) The policy of this Commonwealth to minimize or totally abolish industrial dissension and to attain more perfect cooperation between employers and employes is hereby declared to be (a) to get at and eradicate the causes for dissension (b) to foster a greater degree of friendliness and understanding between capital and labor (c) to encourage and protect the right of collective bargaining and in connection therewith the voluntary association of employes their self-organization and their right to freely select their own representatives and (d) to re-

strain practices on the part of either side that tend towards inciting or prolonging labor difficulties and the resulting economic disturbances

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created a departmental administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States nor shall he engage in any business or commercial enterprise of any kind nor be an officer in any labor organization or be engaged in any political activities One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as chairman of the board

(b) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board and two members of the board shall at all times constitute a quorum The board shall have an official seal of which courts shall take judicial notice

(c) The board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) [Each member of the board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for reappointment] The chairman of the board shall receive a salary of seven thousand five hundred dollars ($7,500) per annum and the other members of the board shall receive a salary of seven thousand dollars ($7,000) per annum The members of the board shall be eligible for reappointment The employes of the board shall be appointed by the Secretary of Labor and Industry with the approval of the Governor The board may establish or use such voluntary and uncompensated services as may from time to time be needed

(e) The principal office of the board shall be in the city of Harrisburg but it may meet and exercise any or all of its powers at any place The board may by one or more of its members or by such agents as it may designate prosecute in any part of this Commonwealth any inquiry necessary to performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the board in the same case Nothing in this act shall be construed to authorize the board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from the Department of Labor and Industry

(f) The board by and with the approval of the Secretary of Labor and Industry shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act Such rules and regulations shall be effective upon publication in the manner which the board shall prescribe.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CARPENTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1102, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2797) entitled "An act requiring collectors of city county borough town township school and poor district taxes to file certain reports with the quarter sessions court and the Department of Internal Affairs directing such department to prepare and furnish forms for such reports making such reports available for public inspection requiring all payments to such collectors for compensation and expenses to be by warrant or order prohibiting such collectors from deducting their compensation and expenses from public funds in their possession and making violation of the act a misdemeanor"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2797) entitled "An act requiring collectors of city county borough town township school and poor district taxes to file certain reports with the quarter sessions court and the Department of Internal Affairs directing such department to prepare and furnish forms for such reports making such reports available for public inspection requiring all payments to such collectors for compensation and expenses to be by warrant or order prohibiting such collectors from deducing their compensation and expenses from public funds in their possession and making violation of the act a misdemeanor" is hereby repealed

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WILKINSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 833, as follows:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the incurring and refunding of temporary indebtedness

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2860) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein

In addition thereto any such school district may as herinbefore provided incur a temporary debt or borrow money for permanent improvements where no bond issue has been previously officially authorized and refund such temporary indebtedness by the issue of bonds in the manner provided by law when the exact amount required for such permanent improvement becomes known

The total amount of temporary indebtedness incurred for current expenses and debt service shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected for the current fiscal year All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided That except where such temporary indebtedness is to be refunded by the issue of bonds as hereinbefore authorized at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purposes existing prior to the first day of July one thousand nine hundred thirty-seven shall be payable at any time not to exceed three years thereafter

All money borrowed for permanent improvements for which no bond issue has been previously provided and for which an obligation or obligations other than bonds have been issued shall unless refunded by the issue of bonds as hereinbefore authorized be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Superintendent of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions herinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first and second class shall not exceed four-tenths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein All temporary in-

debtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided

Section 2 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 500, entitled:

An Act to amend section two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof are hereby amended to read as follows

Section 2 That any midwife or nurse or other person having the care of an infant whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth shall report the same in writing to the [health authorities of the city borough or township of the first class in which the case may be located or if it be located in a township of the second class or a city borough or township of the first class not having a board of health or body acting as such the State Department of Health] county medical director within six hours after the discovery thereof giving the name of the infant the names of the parents or guardians and the street and number of their residence or otherwise sufficiently designate the same together with the fact that such inflammation or swelling or redness exists [and shall make a similar report in writing] and such report shall be confirmed in writing and a copy thereof sent to the family physician or if the family does not employ a physician to some regularly qualified practicing physician of the district

Section 3 That it shall be the duty of the said [health authorities or the State Department of Health] county medical director immediately upon receipt of a written report from a midwife or a nurse or person other than a practicing physician to notify the parents or guardian or other person having charge of the infant of the danger to the eyes or eye of said infant by reason of any neglect of proper treatment of the same

The county medical director shall investigate the condition personally and shall make arrangements for adequate medical and skilled nursing care He shall within four days forward on a special blank in duplicate to the State Department of Health such information as may be required

Section 4 Every physician in this Commonwealth who shall treat any infant's eyes for ophthalmia neonatorum (inflammation of the eys of an infant) shall within forty-eight hours after said physician ceases treatment of or attendance upon such a case of ophthalmia neonatorum make a report in duplicate to the [Commissioner] Department of Health of the Commonwealth of Pennsylvania that said physician has treated a certain case of ophthalmia neonatorum giving full information as required in section one of this act stating that he has ceased treatment of or attendance upon said case and what was condition of infant's eyes when physician ceased treatment of or attendance upon said case of ophthalmia neonatorum.

Any physician who shall treat or examine or have knowledge of an infant suffering from ophthalmia neonatorum (inflammation of the eyes of infants) shall report forthwith in writing to the State Department of Health

Section 6 Any physician midwife nurse or other person who shall violate any of the provisions of this act shall [upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed] be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty or more than one hundred ($100) dollars to be paid to the use of the said county and the costs of prosecution or to be imprisoned in the county jail for a period of not less than [ten (10)] thirty (30) or more than [thirty (30)] ninety (90) days or both at the discretion of the court

On the question,

Will the House agree to the section?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, page 3, line 12, by inserting after the word "make," "Subject to the consent of the parent or guardian of the child."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 509, as follows:

An Act to amend article four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamyhlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" regulating and providing for the keeping and auditing of the accounts of moneys collected by the county treasurer for the various taxing units within the county and for payment of such moneys to the said taxing units

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the

laws relating thereto" is hereby amended by adding thereto after section three hundred seventy-two and one-tenth a new section to read as follows

Section 372.2 Accounts of Moneys Collected for Taxing Units Within the County Audits of and Payments From All taxes penalties fines and costs collected by the county treasurer and belonging to any city borough township school district poor district or institution district shall be entered and carried in the books of the county in the same manner as county moneys shall be audited in like manner and when paid to the taxing district entitled thereto as provided by law such payments shall be made on warrants drawn by the county commissioners in the same manner as payments are made of county moneys

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1221, as follows:

An Act relating to the Anthracite Industry creating the Pennsylvania Anthracite Commission establishing its jurisdiction powers and duties providing for an Anthracite Producers' Advisory Board regulating the production and marketing of anthracite within the Commonwealth assigning production quotas to producers of anthracite fixing minimum prices for the sale of anthracite by producers prescribing standards of sizing purity and grading for anthracite levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite and the development of anthracite burning devices and additional uses for anthracite eliminating unfair discrimination in wage and hour standards in anthracite mining operations authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite providing for the licensing of anthracite producers and for the granting refusal suspension and revocation of such licenses providing for appeals to the courts of the Commonwealth from the orders of said Commission creating a special fund in the State Treasury into which the taxes fees fines and penalties arising under the Act are to be paid appropriating the monies in said fund and making a temporary appropriation to said fund and providing penalties and remedies for violations of the provisions of the Act and the rules regulations and orders of the Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

Legislative Findings Of Fact And Declaration of Policy Short Title Definitions

Section 1 Findings of Fact and Declarations of Policy The following legislative findings of fact and declaration of policy with respect to the Anthracite Industry are hereby made

The production and sale of anthracite is a basic industry vital to the economic and social life of this Commonwealth by virtue of the fact that practically all anthracite deposits within the United States are located within a narrow tract of land inside the Commonwealth Within this anthracite area there is invested more than four hundred millions of dollars devoted to the mining and preparation of anthracite and many more millions of dollars the taxable value of which and profitable use of which are in large part dependent on the volume of commerce arising from the Anthracite Industry More than one hundred thousand citizens of the Commonwealth are indirectly dependent upon this industry as their prime means of livelihood and many hundreds of thousands of such citizens are indirectly dependent in whole or in part upon this industry Practically 25% of the entire production of anthracite is consumed within the Commonwealth by persons who are dependent upon it as their chief source of fuel

During the period of the last ten years the consumption of anthracite within and outside of the Commonwealth and as a result the production thereof have decreased more than 35% because of the competition of other fuels and the effect of the economic depression throughout this Commonwealth and other anthracite burning areas To meet this situation many mining operations have been abandoned and others have been concentrated and made more efficient by the introduction of labor-saving machinery in order to lessen the cost of production

Said trends and changes in said industry have resulted in increasing unemployment part-time employment large operating losses depletion of reserves and in many cases bankruptcy Unrestrained and ruinous competition has developed among producers because of lack of legal authority for collective and cooperative action among producers to regulate and stabilize production and merchandise practices This condition has prevented an orderly and durable program for the permanent good of the Commonwealth and the Industry has led to practices of temporary expediency involving waste of this basic natural resource and the capital invested in the Industry and hardship to those dependent directly or indirectly upon the Industry

To meet the foregoing emergency it is necessary temporarily to provide ways and means whereby said Industry may act as a unit in meeting the competition of other fuels whereby economic pressure which has forced wasteful operation of many mines may be relieved whereby further depletion of financial reserves and impairment of taxable values may be prevented and the financial credit of the Industry restored whereby existing agencies for research work and promotional activities may be expanded for the purpose of regaining lost markets and developing new markets and whereby unemployment in the Industry may be reduced to a minimum

For these and other reasons it is declared that the production marketing and sale of anthracite in the Commonwealth is facing an emergency involving the public interests and that this Act is enacted to promote the general welfare to conserve anthracite as a natural resource and remove the economic pressure which results in wasteful methods of mining thereof to promote employment and security for the payment of wages of those employed in connection with the Anthracite Industry to protect capital invested therein from further depletion and dissipation to maintain the value of anthracite properties as a basis for taxation and to maintain and increase the volume of commercial activity within the Commonwealth

Section 2 Short Title This Act shall be known and may be cited as the "Anthracite Control Act"

Section 3 Definitions and Interpretations The following words and phrases as used in this Act except where the context clearly indicates otherwise shall be construed to mean as follows

(1) "Anthracite" Anthracite mined in the counties of Carbon Columbia Dauphin Lackawanna Luzerne Northumberland Schuylkill Susquehanna and Wayne in the Commonwealth of Pennsylvania

(2) "Board", The Anthracite Producers' Advisory Board provided for under this Act

(3) "Breaker' or "Washery" A preparation plant in which run-of-mine anthracite is crushed washed and screened into commercial sizes for shipment to market

(4) "Commercial Sizes of Anthracite" The sizes of Anthracite sold to consumers and known as Broken Egg Stove Chestnut Pea Buckwheat Rice and Barley

(5) "Commission" The Pennsylvania Anthracite Commission created under this Act

(6) "Department of Mines" The Department of Mines of the Commonwealth of Pennsylvania

(7) "Lawfully Mined" Referring to anthracite which has been legally taken with the consent of the owner or lessee

(8) "Mine" An underground working from which anthracite is removed for preparation at a breaker or washery

(9) "Mining" The Act of removing run-of-mine anthracite from mine strippings or refuse banks

(10) "Producer" Any person engaged in the lawful mining of anthracite or the preparation of anthracite which has been lawfully mined or in both said mining and preparation

(11) "Refuse Bank" A surface deposit of refuse from old or abandoned breakers from which anthracite is reclaimed through modern methods of preparation at a breaker or washery

(12) "Run-of-Mine Anthracite" Anthracite as removed from a mine strippings or refuse bank to be sent to a breaker or washery for preparation into commercial sizes

(13) "Marketing Corporation" Any anthracite cooperative marketing corporation or association

(14) "Stripping" A surface excavation of overlying strata to recover a seam of underlying coal for preparation at a breaker washery

ARTICLE II

Pennsylvania Anthracite Commission

Section 2 1 Organization of the Commission Appointment and Terms of Members Quorum

(a) There is hereby created an independent administrative commission to be known as the Pennsylvania Anthracite Commission The Commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate who shall serve during the term of this Act or until their respective successors shall be duly appointed and qualified

(b) The Governor shall designate one of the members of the Commission as Chairman Two members of the Commission shall constitute a quorum and any action or order of the Commission except as herein otherwise provided shall require the approval of at least two members

(c) The Governor may remove any Commissioner for inefficiency neglect of duty or misconduct in office The Commissioner so charged shall be given a copy of the charges and an opportunity to be heard publicly in person or by counsel in his own defense upon not less than ten (10) days' notice Upon reaching a decision the Governor shall file with the Department of State the complete record of the charges and proceedings and his findings and decision thereon

Section 202 Qualifications and Salaries

(a) Each member of the Commission at the time of his appointment and qualification shall be a citizen of the United States and a bona fide resident of the Commonwealth No member of the Commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States No member of the Commission and no officer employee or agent of the Commission shall engage in any employment or vocation incompatible with his duties under this Act or retain any financial or other connection with or financial interest in any enterprise engaged in the production transportation or sale of anthracite or any other fuel or any association of workers engaged in such industry or any other competing industry Any person violating provisions of this paragraph shall be subject to removal for violation hereof

(b) The Chairman of the Commission shall receive a salary of Ten Thousand Five Hundred Dollars ($10,500) per annum The other members of the Commission shall receive Ten Thousand Dollars ($10,000) per annum

Section 203 Secretary Employees Administrative Code

(a) The Commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the Commission shall prescribe and shall receive such compensation as the Commission with the approval of the Governor shall determine The Commission shall have the power and authority to designate from time to time one of its clerks to perform the duties of the secretary during his absence and the clerk so designated shall possess for the time so designated the powers of the secretary of the Commission

(b) The Commission with the approval of the Governor shall have the power to appoint and fix the compensation of such officers experts engineers statisticians accountants inspectors clerks and other employees as may be necessary for the proper conduct of the work of the Commission provided that the compensation of such person shall be fixed in accordance with the standards of compensation fixed by the Executive Board of this Commonwealth

(c) Except as otherwise specifically provided in this Act the Commission and its employes shall be subject to all the provisions of the Administrative Code of One Thousand Nine Hundred and Twenty-Nine approved on the ninth day of April One Thousand Nine Hundred and Twenty-Nine and its amendments and supplements which apply generally to independent administrative boards or commissions

(d) No person employed in the work of the Commission shall be eligible to appear before the Commission representing any person interested in any proceeding pending before the Commission

Section 204 Counsel to the Commission The Attorney-General with the approval of the Governor may from time to time appoint a counsel and such assistant counsel as may be required for the proper conduct of the work of the Commission Such counsel and assistant counsel as directed by the Commission shall attend hearings before the Commission or a Commissioner and conduct the examination of witnesses shall represent the Commission in all litigation and judicial or administrative proceedings in which the Commission is a party or an intervenor shall assist the Attorney-General of the Commonwealth in all mandamus injunction and other proceedings at law or in equity instituted by him for the enforcement of the provisions of this Act or the rules regulations and orders of the Commission and shall perform such other professional duties as may be required of them by the Commission The compensation of the Counsel and assistant counsel shall be fixed by the Attorney-General with the approval of the Governor

ARTICLE III

Anthracite Producers' Advisory Board

Section 301 Organization of Board

(a) A Board of ten members to be known as the Antharcite Producers Advisory Board shall be organized at a meeting called by the Commission for such purpose within two weeks after the establishment of the Commission Four members of such Board shall be elected by a plurality vote of producers eligible for a license under this Act Six members of such Board shall be elected upon a tonnage basis at which tonnage election each producer shall be entitled to cast as many votes as the number of net tons of anthracite which the Commission shall certify were produced by such producer during the calendar year 1938 as shown by the reports of the Department of Mines No producer shall at any time have more than one representative on said Board

(b) Board members shall serve during the term of this Act or until their respective successors are elected All vacancies on the Board shall be filled by the same group and method of election which controlled in selecting the previous occupant A majority of the Board shall constitute a quorum and all action shall be taken by a majority vote of any quorum present

(c) The Board shall have power to advise the Commission in respect to all matters covered by this Act including ways and means of securing observance and enforcement of its provisions to adopt rules and regulations not inconsistent with this Act and to appoint officers from its own membership including a chairman secretary and treasurer or secretary-treasurer and fix their terms of office and compensation if any and to appoint or employ such committees employes agents and any other persons which it believes will be helpful to effectuate the purpose of this Act The members of the Board as such shall serve without compensation but the expenses of the Board and its members and employees or such portion thereof as the Commission shall deem reasonable and proper shall be paid by the Commission out of the Antharcite Control and Promotion Fund herinafter created in this Act upon requisitions duly authenticated by the Board

(d) Nothing contained in this Act shall constitute the members of the Board partners for any purpose nor shall any member of the Board be liable in any manner to any one for any act of any other member officer agent

or employee of the Board nor shall any member of the Board exercising reasonable diligence in the performance of his duties under this Act be liable to anyone for any act or omission to act under this Act except for his own wilful misfeasance or for nonfeasance involving moral turpitude

ARTICLE IV

Producers' Licenses

Section 401 Persons Required to be Licensed On and after sixty days from the effective date of this Act it shall be unlawful for any person to operate any breaker washery or operation plant within the Commonwealth except pursuant to the terms and conditions of a producer's license to be issued by the Commission specifying each breaker washery or operation plant to be operated by him

Section 402 Application for a License An application for a producer's license to operate any breaker or washery shall be made to the Commission and shall be accompanied by a fee of $5.00 It shall be the duty of the Commission where practicable to pass on each application within thirty days from the date of filing and to enter an appropriate order thereon The application shall contain statements of facts under oath as follows

(1) The name of the applicant and his principal office or place of business If the applicant is a copartnership or association the name and address of each member thereof if a corporation the names and addresses of all officers and directors thereof

(2) The location of each of the breakers or washeries to be operated under the license and the location of each mine stripping or bank regularly supplying each said breaker or washery.

(3) The amount of anthracite of different sizes annually produced from each breaker or washery during the calendar year 1938 or such lesser period during which said breaker or washery has been operated

(4) The amount of anthracite of different commercial sizes shipped by rail the amount shipped by truck the amount marketed through wholesalers the amount marketed directly to consumers all during the calendar year 1938

(5) Number of employees employed by the producer in any phase of the mining or preparation of anthracite and the number of days worked by said employees in such detail as the Commission may require

(6) The amount of unsold anthracite on cars or in storage at the time of filing the application

(7) Such other facts with respect to all of the past or future business of the applicant in mining and preparing anthracite as may be required by the Commission to aid it in carrying out the provisions of this Act

The Commission may require any applicant to substantiate statements in his application by competent testimony under oath or affirmation

Section 403 Terms and Conditions of Licenses Every license issued by the Commission shall include in its terms and conditions the following

(1) That the licensee shall observe all the laws of the Commonwealth applicable to the operation of his business of mining and preparing anthracite including the provisions of this Act and all valid rules regulations and orders made and promulgated by the Commission

(2) That the licensee in mining and preparing anthracite shall pay the prevailing wage scale provided for in any collective bargaining agreement applicable to the area in which the respective operation is located

(3) That the licensee shall not knowingly receive or prepare anthracite which has been unlawfully mined or mined under a wage scale less than the prevailing wage scale provided for in any collective bargaining agreement applicable to the area in which the respective operation is located

(4) That the licensee make such reports and statements relative to its business of mining preparing and selling anthracite as may be required by the Commission

(5) That the licensee shall at all times make available to the Commission for inspection by its authorized representatives all papers books of account documents and records of any kind or character whatsoever relating to the business of the licensee in mining preparing and marketing anthracite which in the judgment of the Commission will aid the Commission in the enforcement of the provisions of this Act and the attainment of the purposes thereof

Section 404 Licensing New Operations

(a) No license shall be issued to start the operation of any breaker or washery which is not in operation at the time of the passage of this Act except upon the same terms and conditions upon which licenses to continue existing operations are issued and upon a showing of the following additional facts

(1) That the operation of the proposed breaker or washery and the mines strippings or banks to supply it will not normally result in a financial loss if operated upon the basis of the tonnage to be allocated to it by the Commission and upon the payment of the standard wage scale applicable to the area and in compliance with all other provisions imposed by this and other acts of the Commonwealth

(2) That the licensee has sufficient financial resources unconditionally available for the proposed operation to afford reasonable assurance of his financial ability to comply with the laws of the Commonwealth and to pay wages salaries and other obligations to be incurred in connection with the operation of said breaker and washery and the mines strippings or banks operated or to be operated or financed by him in connection therewith

(b) The Commission in its discretion may refuse to issue any license for the opening or re-opening of any such additional breaker or washery except on condition that the licensee shall file with it a reasonable bond of a character and amount specified by it conditioned upon compliance with the provisions of this Act and the payment of all claims for wages incurred in the operation of said breaker or washery and the strippings banks or mines to be operated or financed by him in connection therewith

(c) The provisions of this section shall not apply to the opening or re-opening by any producer of any breaker or washery to provide tonnage in lieu of tonnage formerly produced from some other breaker or washery operated by him on lands owned controlled or leased by him at the date of or after the passage of this Act

Section 405 Duty of Commission to Issue Licenses On application and upon the terms and conditions set forth in this Article it shall be the duty of the Commission to grant licenses to operate any breaker or washery

Section 406 Suspension and Revocation of Licenses The Commission may and in the case of repeated or outstanding violations shall suspend or revoke the license of any producer after giving fifteen days' notice of hearing and an opportunity to be heard for any of the following acts to wit

(1) Violation of any of the terms or conditions of the license

(2) Wilful violation of or failure after receipt of warning from the Commission to comply with any of the provisions of this Act or any acts of the Commonwealth of Pennsylvania in respect to the mining preparation and sale of anthracite or any rules regulations and orders of the Commission

(3) Failure after thirty days' notice of default to comply with any of the provisions of Article XI hereof or to pay the taxes therein provided for

(4) Wilfully furnishing false or misleading statements to the Commission

Any action of the Commission in granting refusing suspending or revoking a license shall be effective only on the entry of an appropriate order by the Commission

ARTICLE V

Records Reports and Information

Section 501 Records All persons required to be licensed under the provisions of this Act shall keep within the Commonwealth the following records

(a) Daily weekly and monthly records of

(1) All commercial sizes produced by each breaker or washery from the mines strippings and banks supplying such breaker or washery

(2) The production of mines strippings and banks supplying the breaker or washery

(3) The number of employees at each breaker washery mine stripping or bank and their working time

(b) Proper books of account and records showing all items of cost of anthracite operations including but not limited to wages and salaries materials and supplies sales expense royalties taxes insurance depreciation and depletion

(c) Books of account and records as specified by the Commission showing the producers' realization on the sale of anthracite

(d) Such other records and information as the Commission may deem necessary for the proper enforcement of this Act

The records herein required shall be kept in the possession of such person for a period of not less than two years unless the Commission otherwise provides

Section 502 Entry and Inspection Any member of this Commission or any employee designated for the purpose shall have the power to enter and inspect at all reasonable hours all places and equipment where anthracite is produced stored sold or otherwise handled in the Commonwealth and to inspect audit and copy all books entries papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the Commission to administer this Act No member or employee of the Commission shall disclose such information to others than Commission members or employees except as authorized by the Commission in connection with its duties and powers under this Act

Section 503 Dissemination of Information Conferences All persons licensed under this Act and any marketing corporation and the members thereof may discuss cost of production marketing market conditions and merchandising practices and other matters relating to any and all branches of the Anthracite Industry and may collect prepare exchange interpret and disseminate statistics information recommendations and prognostications pertaining thereto either directly or by and through a common agent created or selected by them which agent may be the Commission if it consents to so act upon request

ARTICLE VI

Production Control and Quotas

Section 601 Board Recommendations on Production Control

(a) The Board on Monday of each week shall make forecasts of market demand and recommend to the Commission the total amount of tonnage of commercial sizes of anthracite which should be produced in said week in order to maintain a reasonable balance between volume of production and market demand Any licensed producer at his option may also make like recommendations to the Commission

(b) The Commission shall issue an order or orders not later than Tuesday of each week fixing the aggregate amount of commercial sizes of anthracite to be produced by the Industry in said calendar week upon the basis of the Standards herein set forth

(c) The Commission but only on the recommendations of the Board may from time to time change the length of time for such periodic forecasts and production control

(d) In order to assist the Board in making such recommendations and the Commission in fixing the aggregate weekly production for the Industry each producer shall transmit weekly reports to the Board and the Commission (to reach said Board and Commission by Monday Noon of each week) showing all unsold tonnage on loaded cars standing at the breakers or washeries on tracks in the vicinity of the mines or at other points which may be designated for such purposes by railroad companies and at tidewater piers and lake ports together with cars en route to piers or ports and anthracite in storage wherever located

Section 602 Percentage Assignments and quotas

(a) The Board shall also recommend to the Commission the percentage of the total allowable production for the entire Industry which should be assigned to each licensed producer and such percentages when fixed by the Commission shall be the basis for determining what tonnage quota shall be produced by each licensed producer during each week or such other period for which the Commission shall fix the total allowable production of the Industry

(b) The Commission after due notice and hearing as prescribed by this Act shall adopt reject or modify in whole or in part said recommendations as to assigned precentages and shall make and promulgate appropriate findings rulings and orders in respect thereto If the Board shall fail within such period of time as may be fixed by the Commission to make complete recommendations in respect to the matters provided for in this Section the Commission shall proceed on its own initiative without such recommendations after due notice and hearing as herein provided to make and promulgate appropriate findings rulings and orders in respect thereto

(c) Such assigned percentages shall remain unchanged during the term of this Act except for adjustments expressly provided for in this Section Provided however That licensed producers standing in the relationship of lessor and lessee may with the approval of the Commission adjust their respective assigned percentages between themselves without however increasing the total assigned percentages of said lessor and lessee

(d) All assigned percentages recommended by the Board and all assigned percentages fixed by the Commission with or without recommendations of the Board shall be based on the daily production of each producer for the calendar year 1938 and the assigned percentage of each producer shall be the approximate ratio between the daily production of said producer and the total daily production of all licensed producers

"Daily production" means the total tonnage of commercial sizes produced by each breaker or washery divided by the working days of the mines strippings or banks regularly supplying such breaker or washery In case of more than one source of supply to any breaker or washery the working days shall be determined by dividing the total man-days by the total number of employees Such daily production of each breaker or washery computed as aforesaid shall be based on the reports to the Department of Mines for the calendar year 1938 and shall be verified from the books and records of the producer

In the case of anthracite reported to the Department of Mines as run-of-mine but not included in the commercial production of the breaker or washery through which such anthracite was prepared for market the commercial sizes resulting from such preparation thereof shall be credited to the breakers or washery in which it was prepared for market for the purpose of computing the daily production of said breaker or washery

(e) In the case of breaker or washeries not operated in the year 1938 and in operation at the time of the passage of this Act or in the case of new breakers or washeries hereafter licensed under section four hundred four of this act daily production quotas to such breakers or washeries shall be established with reference to their daily performance when last operated by the same or another producer subject however to such adjustment as the Commission may determine in the light of the scope of the operation the number of men employed and other factors necessary to the establishment of an equitable quota

Daily production quotas established under this subdivision shall be fixed by the Commihsion upon recommendations of the Board subject to the provisions of subdivisions (a) and (b) of this Section

(f) If in the year 1938 or thereafter but prior to the passage of this Act there has been a transfer of the whole or any part of the production of any mine stripping or bank from the breaker or washery of one producer to the breaker or washery of another producer then and in such event the Commission shall make such adjustments

in the assigned percentages of such producers as shall be necessary to compensate for such transfers

(g) If hereafter any producer operating two or more breakers or washeries shall close down any of said breakers or washeries said cessation of operations shall not result in any reduction of the assigned percentages of said producer provided that the remaining breakers or washeries have sufficient capacity to produce the assigned tonnage of the respective breakers or washeries of said producer

(h) Tonnage allocated to new breakers or washeries (if produced from lands in which a producer theretofore licensed has or at the time of the passage of this Act had any interest through ownership lease or otherwise) shall be deducted from the previously assigned percentage of said producer

(i) Tonnage allocated to new breakers or washeries (if produced from lands in which a producer theretofore licensed had no interest through ownership lease or otherwise at the time of the passage of this Act) shall be deducted from the assigned percentage of all producers

(j) If the Board shall find that the steam sizes of antharcite (buckwheat rice and barley) produced from the allocated tonnage of licensed producers is not sufficient to meet the market demand for such sizes the Board may recommend and the Commission upon finding that such demand exists may authorize an additional production of such steam sizes from refuse banks through licensed breakers or washeries for such period as the Commission shall determine and shall allocate such additional production of steam sizes among the licensed producers affected upon a fair and equitable basis taking into consideration among other things the grades or classifications of anthracite for which such demand exists and the producers capable of supplying the same

Section 603 Enforcement Reports Tolerances

(a) To secure the enforcement of the provisions of this article the Commission shall require weekly reports of the volume of commercial sizes of anthracite produced by any licensed producer from each breaker and washery which reports shall be made by sizes and shall indicate whether said produced anthracite has been actually sold or is being stored or carried in cars Said reports shall be verified under oath or affirmation and the Commission in its discretion shall have full power to investigate the books and records and examine witnesses as to the truth or accuracy of any such reports

(b) The Commission shall prepare monthly tabulations of such weekly reports showing the cumulative tonnage of each producer for the calendar year and shall make monthly checks of such tonnage against the amount of the weekly allocated tonnage for said licensed producer on the basis of his assigned percentage The Commission may from time to time fix tolerances in the weekly allocated tonnage of any producer provided that said tolerance shall not exceed fifteen per cent of the weekly allocated tonnage of the producer and that any future adjustment to offset said tolerance shall be absorbed in the succeeding week

(c) No producer who in the judgment of the Commission intentionally underproduces his allocated tonnage or quota during any period for the deliberate purpose of accumulating tonnage for marketing in any subsequent period shall be permitted to add any part of such underproduction to his quota for any subsequent period

(d) Any producer who has suffered a deficiency in his weekly allocated tonnage by reason of a stoppage of production for causes beyond his control has the right (on filing a written statement of the facts with the Commission) to increase his weekly production beyond his weekly allocated tonnage until said deficiency has been offset

Section 604 Violations It shall be a violation of this Act for any producer to produce any greater tonnage of commercial sizes than is permissible for said producer under this Act

ARTICLE VII

Standards of Preparation

Section 701 Recommendations of Board The Board shall recommend to the Commission appropriate standards to govern the sizing purity and grading of commercial sizes of anthracite prepared and sold by any producer as well as rules and regulations in respect to the sale and trade description thereof

Section 702 Commission Findings and Orders The Commission after due notice and hearing as prescribed by this Act shall adopt reject or modify in whole or in part the recommendations provided for in Section 801 of this Article and shall make and promulgate appropriate findings rulings and orders in respect thereto

If the Board shall fail within such period of time as may be fixed by the Commission to make any recommendations as provided for in Section 801 of this Article the Commission shall proceed on its own initiative without such recommendations but after due notice and hearing as herein provided to make and promulgate appropriate findings rulings and orders in respect to such matters

Section 703 Violations It shall be a violation of this Act for any producer to sell or market any anthracite contrary to the rules regulations and orders of the Commission made and promulgated under this Article

ARTICLE VIII

Hearings on Percentage Assignments Minimum Prices and Standards of Preparation

Section 801 Procedure Before acting on any of the matters set forth in Articles VII and VIII or on the percentage assignments provided for in Section 602 of Article VI the Commission shall hold public hearings thereon at such place or places as it may determine of which due notice shall be given to all licensed producers and published in a newspaper of general circulation in the Anthracite Region If prior to the issuance of such notice the Commission shall have received recommendations from the Board in respect to any matters covered by said notice then and in such event a copy of such recommendations shall be mailed to all licensed producers prior to said hearing At such hearings the Commission shall receive and hear arguments and evidence offered by any producer and by any other interested person desiring to be heard and who the Commission in its discretion believes it to be in the public interest to be heard A transcript shall be kept of all such hearings and shall be open to inspection by any person whom the Commission shall decide has sufficient interest in such proceeding

Section 802 Re-hearing Any person aggrieved by any order of the Commission made and promulgated after a hearing under this Article shall have the right within ten (10) days after the service of such order to move for a re-hearing and in such motion shall specify the grounds upon which it claims to be aggrieved by said order The Commission in its discretion may grant or deny such motion and in the event that it is granted and a re-hearing held may affirm modify or rescind its original order No application for a re-hearing shall operate as a supersedeas or in any manner stay or postpone enforcement of any existing order except as the Commission may direct There shall be no appeal to any court from orders to which this Article applies without filing such a motion for a re-hearing and awaiting the outcome thereof Review on appeal from any said order shall be limited to the assignment of errors set forth in such motion for re-hearing

ARTICLE IX

Marketing Corporations

Section 901 Organization and Powers Any three or more licensed producers may organize an association or form a corporation for the cooperative and collective marketing of anthracite produced by them or other licensed producers and thereby fix the prices terms and conditions of sale for anthracite sold by said association or corporation and such cooperative marketing associations or corporations may enter into agreements with each other fixing prices and terms and conditions of sale to be applied to the marketing and distribution of all or any part of the anthracite sold by them

Section 902 Cease and Desist Orders by Commission It shall be the duty of the Commission to issue cease and desist orders against any arrangements or practices of marketing corporations which after due notice and hearing it shall find have resulted in undue prejudice to the public interest

ARTICLE X

Anthracite Tonnage Tax

Section 1001 Imposition of Tax From and after the passage of this Act each and every net ton of commercial sizes of anthracite prepared in this Commonwealth for market shall be subject to a tax of five cents which said tax shall be assessed at the time when said anthracite has been prepared and is ready for shipment to market and the producer of such anthracite shall be liable for said tax

Section 1002 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this Article it shall be the duty of every producer liable to pay the tax herein imposed to transmit to the Department of Revenue on a quarterly basis beginning the 15th day of the month following the first three calendar months or quarter or fraction of such quarter in which this Act is effective and quarterly thereafter upon a form prescribed prepared and funished by the Department of Revenue a report under oath or affirmation of its president vice-president or other principal officer and its treasurer assistant treasurer or other fiscal officer of the total tonnage of commercial sizes of anthracite prepared by said producer and ready for shipment to market during the preceding three calendar months or quarter or fraction thereof in which this Act is effective

Every producer upon the date its quarterly reports are required herein to be made shall pay to the Department of Revenue the full amount of the tax due to the Commonwealth upon the total tonnage of commercial sizes of anthracite prepared by said producer and ready for shipment to market during the three calendar months or quarter or fraction thereof preceding the date when said report is required to be made and except as otherwise provided by law no extension of time for the filing of any report granted by the Department of Revenue shall extend the date any tax imposed by this article shall be due and payable The amount of all taxes imposed hereunder and not paid on or before the times as above provided shall bear interest at the rate of six per centum (6%) per annum from the date they are due and payable until sixty (60) days after settlement and thereafter at the rate of twelve per centum (12%) per annum until paid except that any taxes found due as a result of an appeal to the Court of Common Pleas or any Appellate Court shall bear interest at the rate of six per centum (6%) per annum from the date such taxes are due and payable until paid provided however that any producer may pay the full amount of such tax or any part thereof together with interest to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court If it be thereafter determined that such taxes were overpaid the Department of Revenue shall enter a credit to the account of such producer which may be used by it in the manner prescribed by law

If any person herein required so to do shall neglect or refuse to make any report or shall knowingly make any false report an additional ten per centum (10%) of the amount of the tax shall be added by the Department of Revenue to the tax determined to be due

Section 1003 Extension of Time to File Reports The Department of Revenue may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the producer required to file such report an extension of not more than thirty (30) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this Article

Section 1004 Settlement and Resettlement (a) All taxes due hereinunder shall be settled by the Department of Revenue and such settlement shall be subject to audit and approval by the Department of the Auditor-General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of the three months period following the date when the tax return or report was required to be made

(b) Promptly after the date of any such settlement the Department of Revenue shall send by mail or otherwise a copy thereof to such producer The tax imposed by this Article shall be settled and resettled and otherwise imposed and adjusted in the same manner except as otherwise prescribed herein within the same periods of time and with the same right of settlement review appeal and refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the Department of Revenue is not satisfied with such settlement the Department of Revenue is hereby authorized and empowered to make a resettlement of the tax due from such producer based upon facts contained in the reports of such producer or upon any other information then or thereafter within the Departments possession

Whenever resettlement shall have been made hereunder the Department of Revenue shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the producer with which it is made The resettlement shall be subject to audit and approval by the Department of the Auditor-General as in the case of the original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any producer shall neglect or refuse to make any report and payment of tax required herein the Department of Revenue shall estimate the tax due from such producer and subject to audit and approval by the Department of the Auditor-General shall settle the amount due for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the Department with the approval of the Department of the Auditor-General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Section 1005 Enforcement Rules and Regulations Inquisitorial Powers of the Department

(a) The Department of Revenue is hereby charged with the enforcement of the provisions of this Article and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this Article relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Article and the collection of taxes penalties and interest imposed therein

(b) The Department of Revenue or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any producer in order to verify the accuracy of any report made or if no report was made by such producer to ascertain and settle the tax imposed herein Every such producer is hereby directed and required to give to the Department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the Department of Revenue as the result of any returns investigations or verifications required to be made herein shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one ($1000) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the Court

(c) Whenever any person acting for or on behalf of the Department of Revenue shall in good faith institute legal proceedings for any violations of the provisions of this Article and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this Article upon the Department of Revenue relating to the administration and enforcement of this Article shall be in addition to but

not exclusive of any other powers heretofore or hereafter conferred upon the Department of Revenue by law

Section 1006 Retention of Records by Producers Penalty Each corporation shall maintain and keep for a period of three years after any report is filed hereunder such record or records of its business within this Commonwealth for the period covered by such report and such other pertinent papers as may be required by the Department

Any person violating any provisions of this Section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment of not more than six (6) months or both in the discretion of the Court

Section 1007 Penalties (a) Any person who shall wilfully make a false return or report under this Article shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalties shall be in addition to any other penalties imposed by this Act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax herein prescribed or who shall refuse to permit the Department to examine the books papers and records of any producer liable to pay tax under this Article shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the Court Such penalties shall be in addition to any other penalties imposed by this Act

ARTICLE XI

Commission Procedural Powers and Provisions

Section 1101 Official Seal Evidence The Commission shall for the authentication of its records process and proceedings adopt keep and use a common seal of which judicial notice shall be taken in all courts of this Commonwealth and any process writ notice or other decument which the Commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the Commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the Commission and all reports and documents filed with the Commission may be proved in any court of this Commonwealth by a copy thereof certified to the chairman or secretary of the Commission with the seal of the Commission attached

Section 1102 Hearings The Commission may hold hearings at Harrisburg or elsewhere as it may determine and any hearing which the Commission has power to undertake or hold may be undertaken or held by or before any one or two of the commissioners when the Commission enters an appropriate order to that effect but no order of the Commission shall become effective until approved by at least a quorum of the Commission

Section 1103 Subpoenas Oaths The Commission or any Commissioner so authorized shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production for inspection of pertinent books papers and records for examination to issue commissions letters rogatory or other appropriate processes within or outside the Commonwealth and to administer oaths and affirmations Witnesses shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County

Section 1104 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify may be punished for contempt of court The Court of Common pleas within the territorial jurisdiction of which the offense was committed is hereby given jurisdiction to hear and adjudge applications of the Commission to punish for such contempts

Section 1105 Posting of Rules and Regulations All rules and regulations of the Commission shall be posted for public inspection in the main office of the Commission at least six days before they shall become effective and shall be given further publicity by mailing to producers and licensees and by advertisement or announcement in a newspaper or otherwise as the Commission shall deem advisable

Section 1106 Service of Notices Orders and Other Process Any orders complaints process writs notices or other documents which the Commission is required or permitted to serve under the provisions of this Act may be served (1) in the manner now or hereafter established by law for service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state and (d) in the case of any licensee or applicant for license under this Act to the principal office designated in such person's application for license The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 1107 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission as to the manner in which a general rule regulation process subpoena or order was served posted or publicized and as to the fact of such service posting or publicizing shall be prima facie evidence of the facts so certified

Section 1108 Privilege and Immunity No person shall be excused from testifying or from producing any book document paper or account in any investigation or inquiry by or hearing before the Commission or its representative when ordered to do so upon the ground that the testimony or evidence book document paper or account required may tend to incriminate him or subject him to penalty or forefeiutre but no person shall be prosecuted punished or subjected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence Provided That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony

ARTICLE XII

Proceedings Before the Commission

Section 1201 Complaints The Commission or any person having an interest in the subject matter may file a written complaint in form as prescribed by the Commission alleging a violation of this Act The Commission shall thereupon cause a copy thereof to be served upon the person charged together with a notice calling upon such person to answer the charge in writing within such reasonable time as may be specified by the Commission in such notice

The Commission may dismiss any complaint without a hearing if in its opinion a hearing is not necessary in the public interest If a hearing is required the Commission shall serve reasonable notice of time and place thereof upon all parties in interest

Section 1202 Hearing to be Public Record of Proceedings All hearings before the Commission shall be public and in accordance with the regulations of the Commission and persons charged on complaint shall be entitled to be heard in person or by attorney and to introduce evidence All testimony shall be taken down by a reporter appointed by the Commission and a full and complete record of the testimony and proceedings shall be preserved

Section 1203 Findings After the conclusion of hearings upon any complaint the Commission shall make and file appropriate findings and enter its order thereon A copy of such findings and order shall be served upon the

person or persons against whom it runs or their attorneys and notice thereof shall be given to all other parties participating in the proceedings or their attorneys Such order shall take effect and become operative as designated therein and unless otherwise specified shall continue in force until further order of the Commission

Section 1204 Re-hearing Within ten (10) days after service of findings and order as provided in this Article the aggrieved party may apply for and thereafter the Commission in its discretion may grant or deny a re-hearing After a re-hearing the Commission may affirm modify or rescind its original order Proceedings for or on a re-hearing shall not operate as a stay or supersedeas except by express order of the Commission

Section 1205 Modification and Rescission of Orders The Commission may at any time after notice and opportunity to be heard as provided in the case of complaints modify or rescind any order made by it

ARTICLE XIII

Appeals and Review

Section 1301 Appeals from General Orders Relating to Minimum Prices Percentages Assignments and Standards of Preparation Any person aggrieved by any order of the Commission under Articles VI VII and VIII of this Act fixing percentage assignments minimum prices or standards of preparation upon which order a motion for re-hearing must be made pursuant to Article IX hereof as a prerequisite of an appeal therefrom may within twenty (20) days after the service of an order denying such motion for re-hearing or of an order affirming modifying or rescinding the original order file and appeal therefrom with the Superior Court Such appeal shall be governed by the provisions of law applicable to appeals in the Superior Court except as otherwise provided in this Act and shall be expedited in every reasonable manner No such appeal shall be permitted to act as a supersedeas or stay except on special order of the court

Section 1302 Appeals from Other General Orders Rules and Regulations Any person subject to the provisions of this Act aggrieved by any general rule regulation or order of the Commission not specifically covered by Section 1401 of this Article may within twenty (20) days after the service of such rule regulation or order file an appeal therefrom with the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 1303 Appeals from Special Orders Any person subject to the provisions of this Act aggrieved by any order of the Commission in which the Commission refuses to issue or reissue or revokes or suspends a license under any provisions of this Act or by any other rule regulation or order of the Commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after service of such order file an appeal therefrom in the Court of Common Pleas of Dauphin County unless the Commission consent to the filing and hearing of such appeal in the Court of Common Pleas of the county in which such aggrieved person resides or has his principal place of business No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 1304 Supersedeas A special order of court permitting an appeal as a supersedeas may be made only after reasonable notice to the Commission and shall provided that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court to be necessary for the protection of producers and other interested parties during the pendency of the appeal

Section 1305 Pleading and Service The appeal provided by this Article from any rule regulation or order of the Commission shall be by verified petition against the Commission as defendant alleging the findings and rule regulation or order complained of and an assignment of errors and praying for a reversal thereof in whole or in part Only points covered by the assignment of errors shall be considered by the court Upon service of such notice of appeal upon the Commission returnable not less than ten (10) days from the date of service the Commission shall on or before the return day file an answer or a motion to dismiss the appeal If such motion is made and denied the Commission shall file an answer not less than ten (10) days after the entry by the court of an order denying the motion The answer shall deny or admit the allegations of fact in the petition and set forth any other grounds of defense Upon the filing of an answer by the Commission the case shall be at issue without further pleadings and upon application of either party shall be advanced and heard without further delay

Section 1306 Certification of Record Scope of Inquiry (a) The Commission shall on the return day of such notice of appeal or within a reasonable time thereafter certify to the court the full and complete record of the proceedings to which the petition refers including all testimony taken therein the findings of fact of the Commission a copy of all orders made by the Commission in the proceeding and all other documents which are a part of the proceeding or the evidence

(b) In an appeal from an order of the Commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the Commission and no additional testimony shall be taken before the court In an appeal from any general order of the Commission the court in its discretion may take additional testimony

(c) Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the Commission is unreasonable or illegal in any appeal the court in its discretion may remit the record to the Commission for additional testimony or proceedings

Section 1307 Costs The court shall have full power in its discretion to impose costs upon the losing party or to apportion costs between the parties

Section 1308 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal under Sections 1402 and 1403 of this Article an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law and from the decision of that court an appeal in any such case may be taken to the Supreme Court but only upon permission granted by the Supreme Court From the decision of the Superior Court upon any appeal under Section 1401 of this Article an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

Section 1309 Effect of Commission Action Whenever the Commission shall make any rule regulation finding or order under the provisions of this Act the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby unless set aside annulled or modified in an appeal taken pursuant to this Act

ARTICLE XIV

PENALTIES AND REMEDIES

Section 1401 Operating Without a License Penalty Any person operating a breaker or washery without a license under this Act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than Five Hundred Dollars ($500) nor more than One Thousand Dollars ($1,000) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both at the discretion of the Court

Section 1402 Actions to Enforce Compliance The Commission or any person affected by the rules regulations or orders of the Commission may institute such actions at law or in equity as may appear appropriate to enforce compliance with any provisions of this Act or any rule regulation or order of the Commission The Commission shall not be required to file any bond in any action under this act

The Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such

actions by the Commission regardless of where they may arise in the Commowealth

Section 1403 Prejury Any person who shall wilfully make a false oath or offirmation before the Commission or its representative at any investigation or hearing or in any report or statement authorized or required by this Act shall be guilty of willful and corrupt prejury and upon conviction thereof shall be subject to punishment as prescribed by law

Section 1404 Penalties and Remedies Concurrent The Penalties and remedies prescribed in this Act shall be deemed concurrent and cumulative and not exclusive and resort to any one shall not impair the right to resort to any other

ARTICLE XV

Funds And Expenses Of Commission

Section 1501 Anthracite Control and Promotion Fund All monies collected or received by the Commission arising from license fees or any other source shall be paid by the Commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Anthracite Control and Promotion Fund" Fines imposed under this Act shall be payable to and collected by the Commission and similarly placed in the Anthracite Control and Promotion Fund All revenues received recovered or collected by the Department of Revenue as a result of the levying of the anthracite tonnage tax pursuant to Article XI of this Act shall also be placed in said fund

Section 1502 Expenditures and Appripriations (a) As much of the money from time to time in the Anthracite Control and Promotion Fund as may be necessary is hereby specifically appropriated to the Pennsylvania Anthracite Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deupty attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the Commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the Commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the Commission

(4) Premiums for surety bonds for such officers or employes of the Commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the Commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the Commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the Commission

(6) Furniture stationery postage materials supplies and all other overhead expenses of the Commission

(7) All other expenses of every kind and description necessary for the performance by the Commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

(b) The remainder of the money in the Anthracite Control and Promotion Fund from time to time which is not required for administrative expenses is hereby appropriated to the Commission to promote the sale of anthracite to aid in the discovery of new uses for anthracite and in the invention development and sale of anthracite-using equipment and to make expenditures for such purposes through contracts and agreements with promotional organizations and research laboratories such as that maintained by Anthracite Industries Inc and with educational or endowed institutions in this Commonwealth In the expenditure of such funds the Commission shall give consideration to any recommendations of the Board regarding the character of such activities and expenditures

Section 1503 Approval of Governor Estimates of the amounts to be expended under this Act by the Pennsylvania Anthracite Commission either by itself or through the Department of Properties and Supplies as purchasing agent for administration expenses or by the Board of Finance and Revenue in the payment or claims for refund or to be expended by the Commission as herein provided for the promotion of the sale of anthracite and the development of anthracite burning devices and new and additional uses for anthracite shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any monies out of his appropriation by the Commission or by the Department of Properties and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Goveror Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasurer for the amounts specified in such requisitions not exceeding however the amount in the Anthracite Control and Promotion Fund at the time of the making of any such requisition

Section 1504 Refunds As much of the money from time to time in the Anthracite Control and Promotion Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for monies hereafter paid into the Anthracite Control and Promotion Fund to which the Commonwealth is not rightfully entitled

Section 1505 Miscellaneous Fees The Commission shall charge and collect fees (in addition to fees elsewhere in this Act provided) for the following

For copies of papers testimony and records the fee shall be twenty ($.20) cents per page

For certifying a copy of any paper on testimony Two ($2.00) Dollars

For certifying a copy of a record for proceedings upon appeal five ($5.00) dollars in appeals from special orders and ten (1$.00) dollars in appeals from general orders

Section 1506 Temporary Appropriation The sum of three hundred thousand ($300,000) Dollars or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Commission for payment into the "Anthracite Control and Promotion Fund" for the use of the Commission in administering the provisions of this Act and is hereby appropriated for the same purposes for which the monies in said fund are appropriated by this Act Whenever in the opinion of the Commission the funds available in the Anthracite Control and Promotion Fund are sufficient to carry out the purposes of the Commission under this Act and also to repay said three hundred thousand ($300,000) Dollars to the General Fund then the Commission with the approval of the Governor shall draw a requisition for the transfer of the sum of three hundred thousand ($300,000) Dollars from the Anthracite Control and Promotion Fund to the General Fund and the monies or as much thereof as may be necessary in the former fund are hereby appropriated for this purpose

ARTICLE XVI

Saving Provisions Repeals And Effective Date

Section 1601 Severability It is hereby declared to be the legislative intent that if any part sentence or clause of this Act is held to be unconstitutional the remaining provisions of the Act would have been enacted even if such unconstitutional provisions had been omitted and shall therefore be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 1602 Repeal All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed

Section 1603 Effective Date This Act shall become effective immediately upon its final enactment and shall terminate and expire on March 31st 1941

And said bill having been read at length the second time time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1451, as follows:

An Act authorizing the Department of Highways with the approval of the Governor to lease from the General State Authority any bridge and road project constituting a connecting link across a river between two existing state highways providing for the operation of such bridge as a toll bridge and appropriating moneys from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways shall have power and authority with the approval of the Governor to enter into contracts with the General State Authority to lease as lessee from the Authority any bridge and the roads and approaches leading thereto undertaken by the Authority when such a bridge and the roads leading thereto will constitute a connecting state highway link across a river between two existing state highways and would lessen the distance between two points on separate routes Such lease may be upon such terms not exceeding thirty years at such rental as may be determined by the Authority Upon completion of said project the Department of Highways shall have power and authority with the approval of the Governor to lease as lessee and such project completed by the Authority for a term not exceeding thirty years at such rental as may be determined by the Authority

Section 2 Any such bridge on any such project so leased shall be operated by the Department of Highways as a State toll bridge so long as rentals are payable under the terms of the lease wtih Authority The tolls on any such bridge shall be fixed by the Department of Highways with the approval of the Governor and all moneys collected as tolls on any such bridge shall be paid into the Motor License Fund and shall be available for expenditure for the purposes for which the Motor License Fund is appropriated by law

Section 3 Any moneys in the Motor License Fund from time to time are hereby appropriated to the Department of Highways for the payment of rentals in accordance with the terms of any lease entered into by said Department with the General State Authority in accordance with the provisions of this act and for the operation and maintenance of any such bridge and the roads and approaches leading thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objetcion House Bill No. 702, Senate Bill No. 134, Printer's No. 195, was passed over at the request of Mr. WOODSIDE.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1420, as follows:

An Act to amend the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decednt who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by further defining the commissions of registers of wills regulating the opening of safety deposit boxes of a decedent permitting supplemental appraisements in certain cases further defining allowable deductions and limiting the time within which claims for deductions may be filed and conforming the act to existing law

The General Assembly of the Commonwealth of Pennsylvania herby enacts as follows

Section 1 Section two of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exist and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as last amended by the act approved the fourteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws seven hundred seventeen) and the act approved the fifteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws eight hundred six) is hereby further amended to read as follows

Section 2 All taxes imposed by this act shall be imposed upon the clear value of the property subject to the tax and [shall in each estate be equal to twenty-five per centum of the estate tax imposed upon the net estate of such decedent under the provisions of section three hundred and one of the Revenue Act of one thousand nine hundred and twenty-four of the United States but if said section of said Revenue Act is repealed or if no tax is imposed on such estate by said section of said act or if twenty-five per centum of the tax imposed by said section amounts to less than the following rates then in either event the taxes imposed by this act] shall be at the rate of two per centum upon the clear value of the property subject to such tax passing to or for the use of father mother husband wife children lineal descendants born in lawful wedlock legally adopted children children of a former husband or wife or the wife or widow of the son of a person dying seized or possessed thereof and also on the clear value of such property passing from the mother of an illegitimate child or from any person of whom the mother is a lineal descendant to such child his wife or widow and passing from an illegitimate child to his mother and at the rate of ten per centum upon the clear value of the property subject to such tax passing to or for the use of any other person or persons bodies corporate or politic to be paid for the use of the Commonwealth In ascertaining the clear value of such estates the only deductions to be allowed from the gross values of such estates shall be the debts of the decedent reasonable and customary funeral expenses bequests or devises in trust

in reasonable amounts the entire interest or income from which is to be perpetually applied to the care and preservation of the family burial lot or lots their enclosures and structures erected thereon reasonable expenses for the erection of monuments or grave stones grave and lot markers and the expenses of the administration of such estates and no deduction whatsoever shall be allowed for or on account of any taxes paid on such estates to the Government of the United States or to any other State or Territory except as otherwise provided in section one of this act Provided That no deductions shall be allowed for any debts of the decedent of which notice is not given to the executor administrator or the register of wills within one year of the date of the death of the decedent And provided further That the deductions herein allowed in the case of any indebtedness of the decedent shall when founded upon a promise or agreement be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth

Section 2 Article two of the said act is hereby amended by adding thereto the following new section twenty-four to read as follows

Section 24 Whenever new assets are revealed or ascertained after the original appraisement is filed or whenever revealed assets which are believed by the Department of Revenue to be taxable are not included in the original appraisement as a result of a mistake of judgment or omission on the part of the appraiser the appraiser at the discretion of the Department of Revenue shall make and file a supplemental appraisement of such assets Provided That a supplemental appraisement made for the purpose of appraising assets that were revealed to the appraiser prior to the making of his original appraisemnt must be made within a period of one year from the date of the resident decedent's death Except as herein otherwise provided as many supplemental appraisements may be made and filed as shall be necessary to include all the estate of a resident decedent Appeals shall lie from supplemental appraisements in the same manner as in the case of original appraisements

Section 3 Article three of the said act is hereby amended by adding thereto the following new section thirty-three to read as follows

Section 33 Whenever new assets are revealed or ascertained after the original appraisement is filed or whenever revealed assets which are believed by the Department of Revenue to be taxable are not included in the original appraisement as a result of a mistake of judgment or omission on the part of the appraiser the appraiser at the discretion of the Department of Revenue shall make and file a supplemental appraisement of such assets Provided That a supplemental appraisement made for the purpose of appraising assets that were revealed to the appraiser prior to the making of his original appraisement must be made within a period of one year from the date of the nonresident decedent's death Except as herein otherwise provided as many supplemental appraisements may be made and filed as shall be necessary to reach all the taxable assets of the estate of a non-resident decedent Appeals shall lie from supplemental appraisements in the same manner as in the case of original appraisements

Section 4 Article four of the said act is hereby amended by adding thereto the following new section forty-three to read as follows

Section 43 Whenever a safe deposit company trust company bank bank and trust company person or corporation has leased a safe deposit box to any person or persons and such lessee lessees or joint lessee shall die it shall be the duty of the safe deposit company trust company bank person or corporation within ten days after knowledge of such death or deaths to notify the Department of Revenue or the person designated by it of such leased safe deposit box Immediately after acquiring knowledge of such death or deaths the safe deposit company trust company bank bank and trust company person or corporation shall refuse admittance to the safe deposit box unless an inheritance tax appraiser shall present to such safe deposit company trust company bank person or corporation an order from the Department of Revenue or the person designated by it directing such safe deposit company trust company bank bank and trust company person or corporation to permit the appraiser to examine the safe deposit box and to make an inventory of the contents of such safe deposit box in the presence of a representative of the estate and an officer or agent of such safe deposit company trust company bank or corporation or agent of such person Any safe deposit company trust company bank bank and trust company person or corporation who or which shall fail to notify the Department of Revenue or the person designated by it or permit the opening of a safe deposit box in violation of the provisions of this section shall be liable to a penalty of one thousand dollars ($1,000.00) to be recovered by the Department of Revenue as debts of like amount are by law recoverable

Section 5 Section forty-seven of the said act as amended by the act approved the fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand five hundred ninety-seven) is hereby further amended to read as follows

Section 47 The act approved May sixth one thousand eight hundred and eighty-seven entitled "An act to provide for the better collection of collateral inheritance taxes" and the amendments and supplements thereto and the act approved the eleventh day of July one thousand nine hundred and seventeen entitled "An act for the imposition and collection of certain inheritance taxes" and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed but nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed or any tax due owning or payable or any remedies for the collection of the same or to surrender any remedies powers rights or privileges acquired by the Commonwealth under said act approved May sixth one thousand eight hundred and eighty-seven entitled "An act to provide for the better collection of collateral inheritance taxes" its amendments and supplements and the said act approved the eleventh day of July one thousand nine hundred and seventeen entitled "An act for the imposition and collection of certain inheritance taxes" or to relieve any person or corporation from any tax or penalty imposed by said acts Provided That the registers of wills shall [not] retain [any amount] for their own use such commissions as are provided in said acts for the collection by them of taxes under said acts as agents for the Commonwealth

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1418, as follows:

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand sixty-three) entitled "An act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interests on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for

refunds of such moneys and property and prescribing penalties" by further declaring the legislative intent and making further provisions for refunds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and ten of the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand sixty-three) entitled "An act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interest on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties" are hereby amended to read as follows

Section 1 Legislative Determination and Declaration of Policy It is hereby declared as a matter of legislative determination that the moneys and property hereinafter enumerated in this act are now and have heretofore been subject to escheat both under the common law and under the provisions and requirements of existing acts of Assembly

That it is both necessary and desirable to provide specific appropriate methods for the recovery of such money and property by the Commonwealth and the payment thereof into the State Treasury subject to being refunded [to the persons legally entitled thereto] without the necessity of instituting and prosecuting the proceedings for a formal decree of escheat thereof by the court having jurisdiction of said moneys and property

Therefore it is hereby declared to be the policy of the Legislature to provide and it is the purpose and intent of this act so to provide for the payment of such moneys and property hereinafter described into the State Treasury without escheat according to the provisions of this act and subject to being refunded [to the persons legally entitled to the same]

Section 10 Refunds (a) Any person legally entitled to any moneys which shall have been paid into the State Treasury under the provisions of an order of court entered upon petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat (or the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a refund of the same and upon his making proof of his ownership or right of possession to the satisfaction of the board such moneys shall be paid to such person on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith out of any moneys in the State Treasury appropriated for the purpose with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof Any moneys which shall have been voluntarily paid into the State Treasury or which shall have been paid in under the provisions of an order of court entered upon the petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat shall be refunded in the same manner and under the conditions herein above prescribed

(b) Any person legally entitled to any shares or certificates of stock or other securities which shall have been transmitted or delivered to the State Treasury through the department under the provisions of an order of court entered upon petition of the Attorney General directing the transfer of such property to the State Treasury without escheat (of the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a return of said property and upon his making proof of his ownership or right of possession the Board of Finance and Revenue shall order the return of such property to the person legally entitled thereto In such event if the State Treasurer shall have converted such property into money authority to do so being hereby conferred the board shall order the refund of the proceeds thereof to the person legally entitled thereto together with interest at the rate of two per centum per annum from the date such property was so converted to the date of refund thereof

(c) Any company its successors or assigns which shall have transmitted or delivered any shares or certificates of stock or other securities or the proceeds thereof to the State Treasury or which shall have paid any moneys into the State Treasury either voluntarily or under the provisions of an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat may at any time apply to the Board of Finance and Revenue for a refund of the same and upon making proof to the satisfaction of the board that such moneys or property were legally subject to escheat in any other state or territory of the United States and not legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat such moneys or property or the proceeds thereof shall be paid to such claimant on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith out of any moneys in the State Treasury appropriated for the purpose with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof or if moneys so appropriated are inadequate or if no such appropriation has been made the amount to be refunded together with interest as aforesaid to the date of the allowance of the refund shall be entered by the Department of Revenue as a credit to the account of the claimant Such credit or any part thereof shall be assignable to any other person firm association or corporation and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania The determination by the board or the court in the event of an appeal as hereinafter provided whether such moneys or property were legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat shall be made irrespective of whether said moneys or property were paid voluntarily or pursuant to an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat

[(c)] (d) Any claimant for any such refund of money or for the return of property may appeal by petition to the court of common pleas of Dauphin County from an adverse decision of the Board of Finance and Revenue which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund of money or return of property and if so the amount thereof or the nature or character thereof If the court finds that he is so entitled it shall report its findings to the board and order the making of a refund of the proper amount of money or the return of the said property Thereupon the refund shall be made or the return of the property shall be made in the manner hereinbefore provided No such appeal shall be entertained however unless the claimant shall file with his petition an affidavit that all proof which he proposes to offer in support of the claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim

(e) An appeal may be taken by either party from the judgment of the court of common pleas of Dauphin County in any action arising under the provisions of paragraph (c) of this section as in other cases

Section 2 Effective Date This act shall become effective immediately upon its final enactment and shall be

retroactive to include all moneys heretofore paid into the State Treasury under the provisions of the act to which this act is an amendment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1083, as follows:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-seven thousand dollars ($27,000) is hereby specifically appropriated to the Board of Trustees of the Philadelphia Museums for the distribution of geographical collections and educational material among the public and other free school of this Commonwealth and for the preparation and installation of exhibits for the two fiscal years beginning June first one thousnd nine hundred thirty-nine payment to be made according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 976, as follows:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-two thousand five hundred dollars ($22,500) is hereby specifically appropriated to the Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the purpose of maintenance and the purchase of supplies and equipment to be paid according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 433, as follows:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges theron through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred dollars ($600) or as much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-nine to be paid to the Treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township and for the purpose of improving and replacing bridges and their abutments on such roads and highways Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisors of Elk Township

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1198, as follows:

An Act making an appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three million dollars ($3,000,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1362, Senate Bill No. 135, Printer's No. 64, was passed over at the request of Mr. FRANK S. MOSER.

BILLS ON SECOND READING.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 669 (Senate Bill No. 93), entitled:

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 255, as follows:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred and seventy thousand dollars $270,000 or so much thereof as may be necessary be and the same is hereby specifically appropriated to Sleighton Farm School for Girls situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-nine for the purpose of maintenance

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 22, as follows:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of Two hundred and nine-two thousand seven hundred and two dollars ($292,702.00) or so much thereof as may be necessary be and the same is hereby specifically appropriated to The Glen Mills School situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June A D 1939 for the purpose of maintenance

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1252, as follows:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-eight thousand dollars ($28,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred three) entitled "An act providing aid by the Commonwealth to free public non-sectarian county libraries authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries and making an appropriation"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 258, as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 An appropriation is hereby made to the Elwyn Training School of Elwyn in the County of Delaware Commonwealth of Pennsylvania for the maintenance of six hundred (600) wards of the State at three hundred and fifty dollars ($350) per capita per annum and the sum of four hundred and twenty thousand dollars ($420,000) or so much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred and thirty-nine

Section 2 The appropriation made by section one of this act is made on the condition that each and every mental defective admitted to the Elwyn Training School after the effective date of this act as a ward of the Commonwealth

1 Shall be selected by the Department of Welfare from a list submitted from time to time to the department by the board of directors of the school

2 Shall have been previously investigated by the Department of Revenue for the purpose of determining the extent if any such mental defective or those legally liable for his or her support may be financially able to pay the cost of the maintenance of such person in the school

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 97, entitled:

An Act authorizing the appointment of a commission to make a just fair and impartial investigation of the Liquor Control Board its personnel and the operation and conduct thereof the manufacture conduct sale and advertising of malt and brewed beverages spirituous liquors and wines together with the methods and practices of manufacturers and dispensers thereof and in connection therewith conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the next special or regular session of the General Assembly together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with the work of the Liquor Control Board and with the manufacture sale and advertising of malt and brewed beverages liquors and wines which are prejudical to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission which shall be composed of three Senators to be appointed by the President pro tempore of the Senate and three members of the House of Representatives to be appointed by the Speaker thereof whose duty it shall be to make a careful thorough and impartial investigation of the Liquor Control Board its personnel and the operation and conduct thereof the manufacture sale and advertising of malt and brewed beverages spirituous liquors and wines together with the methods and practices of manufacturers and dispensers thereof and in connection therewith and to make a preliminary report to the General Assembly at the next special or regular session its findings and its recommendations as to such legislation that should be enacted in order to correct any abuses and evils it may find to exist therein The Commission shall have power to sit and continue its investigations after the adjournment of the current session

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. NORMAN WOOD. Mr. Speaker, with the consent of the sponsor I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1368, as follows:

An Act to further amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" by not requiring the Governor to approve certain charters

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" as last amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2851) is hereby further amended to read as follows

Certificates For Second Class

The certificate for a corporation embraced within the second class named in the foregoing section shall set forth all that is hereinbefore required to be set forth and except building and loan associations shall also state that ten per centum of the capital stock thereof has been paid in cash to the treasurer of the intended corporation and the name and residence of such treasurer shall be therein given The same shall be acknowledged by at least three of the subscribers thereto before the recorder of deeds of the county in which the chief operations are to be carried on or in which the principal office is situated and they shall also make and subscribe an oath or affirmation before him to be endorsed on the said certificate that the statements contained therein are true The said certificate accompanied with proof of publication of notice as hereinbefore provided shall then be produced to the governor of this Commonwealth who shall examine the same and if he find it to be in proper form and within the purposes named in the second class specified in the foregoing section he shall approve thereof and endorse his approval thereon and direct letters patent to issue in the usual form incorporating the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen and the said certificate shall be recorded in the office of the secretary of the Commonwealth in a book to be by him kept for that purpose and he shall forthwith furnish to the auditor general an abstract therefrom showing the name location amount of capital stock and name and address of the treasurer of such corporation Provided however That the governor may in his discretion refuse to approve the certificate for the incorporation of any corporation for the purpose of providing any public utility service if in his opinion the issuing of letters patent to such corporation would not be to the best interests of the Commonwealth or to the inhabitants thereof The said original certificate with all of its endorsements shall then be recorded in the office for the recording of deeds in and for the county where the chief operations are to be carried on and from thenceforth the subscribers thereto and their associates and successors shall be a coporation for the purposes and upon the terms named in the said charter Certified copies of both the records thereof and of the charters of the corporations named in the first class specified in the foregoing section shall be competent evidence for all purposes in the courts of this Commonwealth The secretary of the Commonwealth shall charge and receive a fee of five dollars upon every paper relating to a corporation filed or recorded in his office

The provisions of this act shall not apply to any corporation organized under or subject to the provisions of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporation conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commisions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1449, as follows:

An Act to amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as amended by providing for exceptions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as amended by section two of the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 411) is hereby further amended to read as follows

Section 2 [All] Except as burial is otherwise provided for in the County Institution District Law approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) and the Public Assistance Law approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) all public officers agnets and servants and all officers agents and servants of any and every county city township borough district and other municipality and of any and every almshouse prison morgue hospital or other municipality or other public institution and all other persons having charge or control over dead human bodies required to be buried at the public expense are hereby required to notify immediately the said board of distribution or such person or persons as may from time to time be designated by said board or its duly authorized officer or agent whenever any such body or bodies came to his or their possession charge or control and shall without fee or reward deliver within thirty-six hours after death except those coroners' cases in which more time may be required such body or bodies and permit and suffer the said board and its agents to take and remove all such bodies to be used within the State for the advancement of medical science

Such notice shall be given to the board of distribution in all cases but no such body shall be delivered if any relative by blood or marriage shall claim the body for burial at the expense of such relative within thirty-six hours after death but the body shall be surrendered to said claimant for interment nor shall any such body be delivered if any friend or any representative of a fraternal society of which deceased was a member or a representative of any charitable organization shall claim the said body for burial within thirty-six hours after death said burial to be at the expense of such friend fraternal society or charitable organizatoin nor shall the body be delivered if said person was an honorably discharged soldier sailor or marine of the United States or of the militia of the State of Pennsylvania in which case said body shall be buried in accordance with the provisions of existing laws

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing the poor directors overseers or in counties in which there are no poor directors or overseers then the county commissioners of the county where such person died except that in counties of the first class it shall be the coroner instead of the county commissioners who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for the payment of such expenses which expenses shall not be less than thirty-five nor more than fifty dollars on each body buried

in accordance with the provsiions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or the militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Wherever through the failure of any person to notify and deliver the body of a deceased indigent as required by this act such body shall become unfit for anatomical purposes and is so certified by the duly authorized officer or agent of said board of distribution such body shall be buried at the expense of the person so failing to notify and deliver such body

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

COMMITTEE MEETING

The Committee on State Government will meet immediately after recess in Room 333.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 1:30 p. m. Is there objection? The Chair hears none and declares a recess until 1:30 p. m.

AFTER RECESS

The House reconvened at 1:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1153, as follows:

An Act to further amend section six hundred and fourteen B of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing with respect to the statutory liability of common shareholders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and fourteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the right powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by section one of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 56) is hereby further amended to read as follows

Section 614 Liability of Shareholders A The holders of preferred shares of banks bank and trust companies or trust companies shall not be held individually responsible as such holders or any debts contracts or engagements of such banks bank and trust companies or trust companies and shall not be liable for assessments to restore impairments in the capital of such banks bank and trust companies or trust companies

B As to deposits in and claims outstanding against banks bank and trust companies or trust companies upon the effective date of this act the liability of common shareholders shall be as heretofore provided by law until terminated in accordance with the provisions of this section As to any deposit made or claim arising after the effective date of this act common shareholders now subject to statutory liability shall be liable to the extent of the percentage of the par value of their stock by which the unimpaired surplus of the bank the bank and trust company or the trust company falls short of one hundred per centum of its common capital If at the effective date of this act the unimpaired surplus of any such bank bank and trust company or trust company is or at any time hereafter becomes equal to the aggregate par value of its common capital the liability of common shareholders for deposits and other claims against such bank bank and trust company or trust company shall cease and determine The liability of common shareholders for deposits and other claims against such bank bank and trust company or trust company shall cease and determine on July 1 1941 or on any later date fixed for such termination if such bank bank and trust company on July 1 1941 or on any later date fixed for such termination exercises any of the powers conferred upon it by its articles of incorporation provided that notice of such termination of liabiltiy shall have been given six months prior thereto by advertisement in a manner similar to that prescribed by this act for the advertisement of intention to file articles of incorporation Shareholders of banks bank and trust companies or trust companies incorporated under this act shall not be subject to any liability to the depositors or other creditors thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 977, as follows:

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of

the provisions of this act and to repeal all acts and parst of acts inconsistent with the provisions of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All printing for which the Commonwealth of Pennsylvania is chargeable or which is paid for with funds appropriated wholly or in part by the Commonwealth must be printed within the Commonwealth of Pennsylvania

1 Printing firms who are desirous of presenting bids for Commonwealth printing shall be required to establish consideration as a responsible bidder as follows

(a) As a condition to consideration as a responsible bidder printing concerns must file with the Secretary of Property and Supplies a sworn statement to the effect that employes in the employ of the concern which is to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is produced

(b) Whenever a collective bargaining agreement is in effect between an employer and employes who are represented by a responsible organization which is in no way influenced or controlled by the management such agreement and its provisions shall be considered as conditions prevalent in said locality and shall be the minimum requirement for being adjudged a responsible bidder under this act

(c) In case any dispute arises as to what are prevailing rates of wages for work applicable to the contract which cannot be adjusted by the contracting officer the matter shall be referred to the Secretary of Property and Supplies for determination and his decision thereon shall be conclusive on all parties to the contract

2 State-owned and State-aided printing establishments shall be exempt from the above provisions Provided however That these institutions shall not perform printing other than the need and requirements of these institutions

Section 2 Any officer or employe of the Commonwealth who shall knowingly accept any printed matter or is found to have had printed matter produced under conditions other than set forth in this act and which is paid for with funds appropriated wholly or in part by the Commonwealth shall be subject to a fine of fifty dollars ($50) for each and every offense

Section 3 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine

Section 4 All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 758, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by declaring February fifteenth known as Susan B Anthony's birthday a legal holiday

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" which was last amended by the act approved the seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 601) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-sixth day of August known as Susan B Anthony's Day the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourteenth day of June known as Flag Day the fourth of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer or other religious observance shall for all purposes whatever as regards the presenting for payment or acceptance and as regard the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill or exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so

On the question,

Will the House agree to the section?

Miss BRANCATO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 4, by adding at the end thereof, a new section to read as follows: "Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill as amended?

It was agreed to.

The title was read as follows:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 388) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by declaring February fifteenth known as Susan B. Anthony's birthday a legal holiday

On the question,

Will the House agree to the title?

Miss BRANCATO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 7 of title, by striking out the words: "February fifteenth" and inserting in lieu thereof "August twenty-sixth"

Amend title, page 1, line 9 of title, by striking out the word: "birthday" and inserting in lieu thereof "Day"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1086, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two hundred one and six hundred twenty of the Act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section two Section six hundred eighteen and Section eight hundred two of that Act as last amended by the Act approved the fifteenth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws sixty-three) are hereby further amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger or consolidation and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of the association

"Association" includes any building and loan association or savings and loan association organized under this act or heretofore organized under or by virtue of any other law of this Commonwealth

"Authorized Capital" means the sum of the par value of the shares authorized to be issued by an association

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foriegn country or dependency

"Department" means the Department of Banking of this Commonwealth

"Incorporator" means a signer of the original articles of incorporation

"Mortgage Loans" means loans which are secured pursuant to the provisions of this act by the bond of the borrower by a mortgage on real property and by installment shares or direct reduction loan shares

"Person' means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Shares" means the units into which the shareholders' rights to participate in the control of a building and loan association are divided

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Share Loans" means loans which are secured pursuant to the provisions of this act by the note of the borrower and by prepaid full-paid optional payment or installment shares

"Shareholder" means a registered owner of shares in a building and loan association

"Subscriber" means one who subscribes for shares in a building and loan association whether before or after incorporation

"Written" includes printed typewritten engraved lithographed telegraphed cabled radiogramed photographed photostated telephotographed or other form of recorded or transmitted message

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 201 Association Name Change of Name A The name of an association may be in any language but it shall be expressed in English letters or characters It shall contain the words "building and loan association" or "savings and loan association" The name of an association shall not contain the words "trust" "bank" "deposit" "discount" or any other word which may decep-

tively lead to the conclusion that it is authorized to perform any act or conduct any business which is forbidden to it by law by its charter or otherwise The name of the association shall not contain the words "Pennsylvania" "Commonwealth" "State" "Government" "Official" "Federal" "National" [or] "United States" or "Insured"

The name of an association shall not be the same as or deceptively similar to that of any other corporation authorized to transact business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act unless such other corporation or unincorporated body is about to change its name or to cease doing business or is being wound up or in the case of a foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the Department of State and with the Department of Banking

B The provisions of this section shall not apply to any name which is in existence upon the effective date of this act However if the association bearing this name shall desire to change its name in any manner whatsoever pursuant to the provisions of this act the new name shall comply in every detail with the requirements of this section A change in name shall be effected in the regular manner provided by this act for amending its articles

C This section shall not be construed to abrogate or limit the law as to unfair competition or unfair practices nor derogate from the common law the principles of equity or the statutes of this Commonwealth with respect to the right to acquire and protect trade names

D The assumption of a name in violation of this section shall not vitiate or otherwise affect the corporate existence but the court of common pleas of Dauphin County may upon application of the Attorney General acting on his own motion or at the instance of any administrative department board or commission of the Commonwealth or the court of common pleas of the county in which the association has its place of business may upon the application of any corporation or person adversely affected enjoin the association from using or continuing to use a name assumed in violation of this section

Section 618 Restriction on Dividends on Full-Paid Shares Undivided Profits A The rate of cash dividend paid on full-paid shares during any year shall not exceed the rate of earnings apportioned during such year to installment optional payment or prepaid shares of the assocation

B An association may retain earnings in an undivided profit account to be used at the discretion of the board of directors for the purpose of paying additional dividends Provided That the total undivided profits on hand at any one time shall not exceed [two] five per centum of the amount paid in by shareholders on account of shares

Section 620 Reserve for Contingent Losses Every association shall set aside each year not less than five per centum and not more than fifeen per centum of its net profits for such year unless the department in writing approves the setting aside of a lesser or a greater amount as a reserve for contingent losses until the total amount of such reserve shall equal at least five per centum and not more than [ten] fifteen per centum of the assets of such association unless the department in writing approves the creation of a total reserve of a lesser or a greater amount The department may at any time require any association to set aside such additional amount as the department shall deem necessary to safeguard the interests of the shareholders of such association Such reserve for contingent losses may be loaned or invested in the same manner as is authorized by this act in the case of other funds of the association

If due to a reduction of the assets of an association or due to any other cause whatsoever the reserve for contingent losses shall exceed [ten] fifteen per centum of the assets of the association or if the department has authorized or directed the creation of a reserve for contingent losses in excess of such [ten] fifteen per centum and such reserve exceeds such amount authorized or directed by the department the amount above such [ten] fifteen per centum or such other amount as has been authorized or directed by the department shall be transferred at the next regular meeting of the board of directors to the general profit account of the association

Section 802 Power to Borrow Money Issuance of Notes Pledging of Collateral A An association may by resolution of its board of directors borrow money at a rate of interest not exceeding six per centum per annum to a total amount not exceeding fifty per centum of the amount paid in by shareholders on account of shares which have not been pledged to the association as security for mortgage loans or which have not on the date of such borrowing been matured or for which notice of withdrawal has not on such date been given Provided That the amount of all existing share loans shall be deducted in determining the amount paid in by shareholders on account of shares

B An association shall issue to any corporation or person from whom it borrows money except the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank a note for the amount borrowed All such notes shall be issued in the following manner and in the following form only

(1) Each such note shall have the corporate title of the association printed thereon

(2) A copy of the resolution of the board of directors of such association authorizing the loan certified by the secretary of such association or by such other officer as shall be determined by the by-laws shall be permanently attached to such note and each such resolution shall state the borrowing capacity of the association and the amount then owing by the association for borrowed money

(3) Each such note shall be signed on behalf of the association by the president or vice-president and by the secretary or treasurer thereof or by any other two or more officers designated in the by-laws

(4) Such notes shall bear printed consecutive numbers and shall be issued from a bound notebook containing for each note a stub bearing a number corresponding to the number on such note The stub shall also bear the name and address of the payee of the note the date on which the note was issued the date of maturity the amount of the note and the rate of interest

(5) The officers of such borrowing association who signed the note on behalf of the association shall certify on the stub that the information contained thereon is correct and is in accordance with the note bearing the same number

An association shall issue to the Federal Home Loan Bank or to any other agency or instrumentality of the United States Government from which it borrows money other than a national bank its bond obligation or note in such form as is prescribed by the Federal Home Loan Bank or by such other agency or instrumentality of the United States Government

Upon the repayment of such borrowed money the note or the bond obligation or note as the case may be shall be surrendered to the association and shall be cancelled and preserved for a period of not less than seven years

C An association shall not have power to pledge or hypothecate any of its assets for money borrowed by it except in the case of money borrowed from the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank An association may pledge or hypothecate to the Federal Home Loan Bank or to any other agency or instrumentality of the United States Government other than a national bank for money borrowed its bonds and mortgages or other assets including the shares pledged with the association as security and it shall not be required to secure the consent of the owner of the mortgaged real property or of the shares in order to make such pledge

D An association shall not grant any mortgage loan if the amount of borrowed money owed by it to any corporation or person except the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than national banks exceeds ten

per centum of the amount paid in by shareholders on account of shares which have not been pledged to the association as security for loans or which have not been matured or for which notice of withdrawal has not been given but this provision shall not be construed to affect the right of an association to readjust or otherwise refinance any mortgage loan which it has granted

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1372, (Senate Bill No. 129), Printer's No. 65, was passed over at the request of Mr. STOCKHAM.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading consideration of House Bill No. 1403, (Senate Bill No. 339), entitled:

An Act to further amend subparagraph two of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by further regulating the security for the deposits of State moneys

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Andrews, to preside.

MR. ANDREWS IN THE CHAIR

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 670, (Senate Bill No. 206), entitled:

An Act prohibiting the issuing of certain licenses and permits to persons unless school per capita taxes assessed against them have been paid providing methods for proof of payment and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 9, by striking out the words "the last calendar year" and insert in lieu thereof the following: "one of the last two calendar years".

Amend Section 1, page 1, line 14, by striking out the words "the last calendar year" and insert in lieu thereof the following: "one of the last two calendar years".

Amend Section 1, page 2, line 16, by inserting after the word "or" the following: "that the tax collector".

Amend Section 1, page 2, line 17, by inserting after the word "authority" and before the parenthesis the following: "from collecting such tax".

Amend Section 1, page 2, line 17, by inserting after the word "authority" the following: "(or that I was not assessed)".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RECONSIDERATION OF VOTE

Mr. AUKER. Mr. Speaker, I move that the vote by which House Bill No. 1038, Printer's No. 576, entitled:

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania; to provide for the establishment of a State Board of Chiropody Examiners in the Department of Public Instruction; to define the duties and powers of said board; to provide for examining and registering of chiropodists in this State; and to provide penalties for the violation of this act.

was defeated on final passage Thursday, May 4, 1939, be considered.

Mr. HAINES. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Blair, Mr. Auker, vote on the final passage of this bill?

Mr. AUKER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Centre Mr. Haines, vote on the final passage of this bill?

Mr. HAINES. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for eighty-four members having voted in the affirmative and forty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. BRETHERICK. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 41, entitled:

An Act to further amend section one of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the Third Class and townships, under certain conditions and restrictions, and appropriating money in the motor license fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the motor license fund, and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Dix,	Levy,	Schrock,
Ackermann,	Donahue,	Lichtenwalter,	Schrope,
Allen,	Downey,	Long,	Serrill,
Andrews,	Eckels,	Lovett,	Shaw,
Auker,	Ely,	Lyons,	Shearer,
Baker,	Ewing,	Malone,	Simons,
Balliet,	Falkenstein,	Marr,	Sloan,
Balthaser,	Fiss,	Matthews,	Stambaugh,
Bardes,	Flanagan,	McClester,	Stank,
Bennett,	Foor,	McGarrity,	Stewart,
Bohn,	Freed,	McLane,	Stockham,
Boles,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	Van Allsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1208, Printer's No. 578, was passed over at the request of Mr. McNALLY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 189, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and all other agencies connected with police departments in counties except counties of the first class boroughs incorporated towns and townships maintaining a police force and accepting the provisions of this act creating a Civil Service Commission in each county except counties of the first class borough incorporated town and township defining the powers and duties of such Civil Service Commission imposing certain duties and expenses on said counties boroughs incorporated towns and townships imposing penalties and repealing inconsistent laws.

On the question,

Will the House agree to the bill on third reading?

Mr. BARDES. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 10 and 11 by striking out the following: "and accepting the provisions of this act creating" and insert in lieu thereof "authorizing the creation of".

Amend Section 1, page 2, line 4 by striking out the word "and".

Amend Section 1, page 2, line 4 by inserting after the word "in" the following: "and removals from".

Amend Section 1, page 2, lines 11 and 12 by striking out the following: "accepting the provisions of this act and".

Amend Section 1, page 2, line 12 by striking out the word "shall" and insert the word "may".

Amend Section 1, page 2, line 13, by striking out the word "only".

Amend Section 1, page 2, line 19 by striking out the following: "No person shall hereafter" and insert in lieu thereof the following: "In any such county, borough, incorporated town or township where a civil service commission shall be created as hereinafter provided no person shall thereafter".

Amend Section 2, page 3, by striking out all of lines 3 to 10 inclusive and insert in lieu thereof the following: "Each county except counties of the first class, borough, incorporated town and township where a police force is being maintained may create by resolution or ordinance as the case may be a civil service."

Amend section 22, page 20, by striking out in lines 6, 7 and 8 the following: "or in counties boroughs incorporated towns or townships not accepting or coming within the provisions of this act."

Amend Section 27, page 21, line 23 by striking out the following: "more than two" and insert in lieu thereof "two or more".

The SPEAKER. Will the House give unanimous con-

sent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SWEENEY.

The House resumed the consideration on third reading of House Bill No. 1060, entitled:

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity regulating actions on such instruments and execution on judgments obtained in such actions and excepting certain actions from the provisions of said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker,
Dix,	Levy,	Schrock,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1150. Printer's No. 622, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 138, entitled:

An Act to further amend section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commission and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain adminstrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by requiring certain qualifications for the Adjutant General and providing for the designation of a Deputy Adjutant General as acting Adjutant General under certain circumstances

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker,
Dix,	Levy,	Schrock,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 382, as follows:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and Compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section two hundred and thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 286) is hereby further amended to read as follows

Section 213 Deputies The head of any administrative department except the Auditor General and State Treasurer shall have the power with the approval of the Governor to appoint and fix the compensation of a deputy or such number of deputies as the Executive Board shall approve who shall in the absence of the head of such department have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department except the power to appoint deputies bureau or division chiefs or other assistants or employes and who may at any time exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department Provided however That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform

Whenever there shall be a vacancy in the office of the head of any department such deputy as the Governor shall designate in writing shall exercise the powers and perform the duties of the head of the department until the vacancy is filled

With the approval of the Governor in writing the head of any department may authorize a named deputy to serve in his stead on any departmental administrative board or commission except the Board of Pardons of which such department head is a member ex-officio [The] One of the [Deputy] Deputy [Adjutant] Adjutants General shall possess the same qualifications in all respects as are required by law for the Adjutant General of the Department of Military Affairs

Section 2 Said act is hereby amended by adding thereto after section one thousand four hundred and eleven a new section to read as follows

Section 1412 Deputy Adjutant General in Charge of Veteran Affairs In addition to such other deputies as may be named in the Department of Military Affairs there shall be a deputy adjutant general in charge of all matters relating to veteran affairs Such deputy shall be selected as other deputies are now selected shall be a veteran of th World War and an active member of a recognized veterans' organization Such deputy shall receive such compensation as may be fixed as now provided by law which compensation shall be provided from funds appropriated for the State Veterans' Commission Such deputy shall also be in charge of such other matters relating to the military activities of the State as may be assigned by the Department of Military Affairs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bills Nos. 878 and 791 on page 33 were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1404, (Senate Bill No. 488), entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Schwab,
Allen,	Eckels,	Lovett,	Serrill,
Andrews,	Ely,	Lyons,	Shaw,
Auker,	Ewing,	Malone,	Shearer,
Baker,	Falkenstein,	Marr,	Simons,
Balliet,	Fiss,	Matthews,	Sloan,
Balthaser,	Flanagan,	McClester,	Stambaugh,
Bardes,	Foor,	McGarrity,	Stank,
Bennett,	Freed,	McLane,	Stewart,
Bohn,	Fullerton,	McNally,	Stockham,
Boney,	Furman,	Melchiorre,	Sweeney,
Boorse,	Gillan,	Montgomery,	Tarr,
Boose,	Gillette,	Mooney,	Taylor,
Brancato,	Goll,	Moran,	Terry,
Bretherick,	Gorski,	Moser, F. S.,	Thistle,
Broad,	Habbyshaw,	Moser, J. L.,	Tiemann,
Bronson,	Haines,	Muir,	Tronzo,
Brown, H. S.,	Hall,	Munley,	VanAllsburg,
Brown, S. W.,	Harbeson,	O'Dare,	Voorhees,
Brunner,	Henry,	O'Neill,	Wagner,
Burns,	Hindman,	Peale,	Walsh,
Burris,	Hoffman, J. N.,	Reagan,	Watkins,
Cadwalader,	Holland,	Reese, D. P.,	Webster,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, E. B.,
Carpenter,	Huntley,	Rider,	Welsh, M. J.,
Check,	Imbrie,	Riley,	Westrick,
Chervenak,	James,	Robertson,	Wilkinson,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate without information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1441, (Senate Bill No. 415), entitled:

An Act to amend and reenact section five hundred and twenty-four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1440, (Senate Bill No. 414), entitled:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December thirty-first, one thousand nine hundred and thirty-nine, for current expenses and debt service and to issue and sell bonds for this purpose.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	Van Allsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1433, (Senate Bill No. 673), entitled:

An Act to amend Section 1 of the act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal" by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits, time clock circuits, and certain telegraph teleprinters.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILLS PASSED OVER

There being no objection House Bill No. 448, Printer's No. 597, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1437, Printer's No. 619, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1185, as follows:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes dening the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights taxation and judicial process and providing penalties" by further defining State employe

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 683) is hereby further amended to read as follows

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission and all the officers and employes of the Delaware River Joint Toll Bridge Commission paid on a yearly or monthly basis if the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	Van Allsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 662, entitled:

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 724, entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth conferring powers and imposing duties on the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cohen, R. E.,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 703, entitled:

An Act to amend section five hundred thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the publication of certain notices relative to the preparation of budgets in school districts of the first class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christley,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 936, as follows:

An Act to amend section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended giving the board additional powers relating to the removal and relocation of gas water and telephone telegraph electric light and electric power lines highways railroads and other facilities and the payment of costs and damages incident thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled an amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" which was reenacted and amended by the act approved the tenth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 43) is hereby further amended to read as follows

Section 10 Contracts and Acquisition of Property All works and improvements involving an expenditure of more work of any character whether performed by the board under the authority of this act except as hereinafter provided in connection with any State public flood control than one thousand dollars shall be performed under written contract let by the board to the lowest responsible bidder after due advertisement as prescribed by the board except however that the board may enter into contracts or agreements without advertisement with any person corporation or municipality covering the removal or relocation of gas water and telephone telegraph electric light and electric power lines highways railroads or other facilities and provided therein for said removal or relocation by the person corporation or municipality owning such facility The board may acquire any necessary easements and rights-of-ways and may pay all costs and damages necessary arising from and incidental to said removal or relocation Payment shall be made from the fund

The board may sell lease [and] or otherwise dispose of [lands buildings or other property] all property real personal or mixed acquired under the provisions of this act not needed by the Commonwealth for reservoir or flood control purposes subject to the approval of the Governor The moneys received through such sale lease or other disposition shall accrue to the fund

On the question,

Will the House agree to the bill on third reading?

Mr. HARBESON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1 (Section 10), page 3, line 8 by striking out: all of said line.

Amend Section 1 (Section 10), page 3, line 11 by inserting after the word "control" the following: "works and improvements involving an expenditure of more".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 785, Printer's No. 645, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1424, entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I am going to ask permission to discuss briefly the next three bills at this time.

The SPEAKER. Is there objection? The Chair hears none and the gentleman will proceed.

Mr. WOODSIDE. Mr. Speaker, House Bill No. 1425 makes a deficiency appropriation to the Department of Public Assistance to carry out the relief program for the balance of this biennium, to wit, to May 31st. This will make a total deficiency appropriation of forty-five million dollars and will be sufficient to carry us to May 31st. In order to raise this sum, there will be transferred one million two hundred thousand dollars from the State School Fund, which is provided for in House Bill No. 1424, and eight hundred thousand dollars from the Flood Control Fund which is provided for in House Bill No. 1426. The one million two hundred thousand dollars transferred from the State School Fund is not delaying the payment of any money which the School districts would be entitled to. Both of these transfer bills provide that the special funds transferred to the General Fund will be repaid by the General Fund to the Special Funds, as in all other cases, as soon as the tax anticipation notes are floated in June, which amounts to a transfer for approximately thirty days.

As to the one million two hundred thousand dollars which is to be transferred from the State School Fund, I might explain that this fund is a special fund which was created by the Act of 1915, in which is placed certain income realized from the rentals of State Forest lands and from certain fees that are received by the department of Internal Affairs. This fund is set aside for the purpose of being put on interest and the interest paid over to certain school districts. As a result of this, there will be no loss to the school districts and the fund, of course, will be replaced in about one month's time.

As to the eight hundred thousand dollars taken from the Flood Control Fund, the 1937 Session appropriated five million dollars for flood control, and this amount was decreased, as previously stated, by the Governor to four million nine hundred thousand dollars when he signed the bill. Of this amount, three million dollars is or will be lapsed to make up money which will be appropriated in order to meet the deficiency. There is now in that fund slightly in excess of eight hundred thousand dollars, which has not been expended, and which it is proposed to transfer to the General Fund from this special Flood Control Fund. As I stated previously, the money transferred from the State School Fund and the Flood Control Fund shall be prepaid to those funds in about thirty days, and as I understand it, the money will not be needed and will not have to be expended within that period.

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, I ask the gentleman from Dauphin, when this eight hundred thousand dollars is taken out of the Flood Control Fund, there will be practically nothing left in the Flood Control Fund, is that correct?

Mr. WOODSIDE. Mr. Speaker, I am not able to tell the gentleman the exact amount which will be left in the Flood Control Fund. There were two million dollars transferred to that fund, and whatever has not as yet been expended out of that two million dollars still remains in the fund. Of course, I call to the gentleman's attention the fact that this eight hundred thousand dollars will be repaid to the fund in about thirty days after it is borrowed.

Mr. HOLLAND. Mr. Speaker, is it not true that the stand taken by Mr. Stewart has lost about one million three hundred thousand dollars that the Federal Government would pay back to our state because of the purchase of land before the act of 1937 was passed?

Mr. WOODSIDE. Mr. Speaker, I don't see how that has any bearing upon this transfer whatsoever. I might state that this money would be transferred. The very first day of this session the minority in this House presented a program to transfer money out of this fund into the General Fund, or at least to lapse part of the fund, and the reason set forth for doing so was that the Federal Government had taken over the purchase of this land and that it wasn't necessary to have any more money in this fund for the purchase of land. However, I understand that certain contracts have been made to purchase land, and that a certain amount of money, two million dollars, was transferred into this special fund to meet these contracts. I understand further that as to some of these contracts some doubt has been raised concerning their legality. I understand still further that there is a lot to be said about these contracts, with whom they were made, the amounts contained in the contracts, the circumstances under which these contracts were made, and so forth. However, none of these things have any bearing upon the matter now before us.

Mr. HOLLAND. Mr. Speaker, my reason for raising this point at this time is that if the Secretary of Forests and Waters would come out definitely and make a definite statement it would not be necessary to make the transfer of eight hundred thousand dollars, because the state would receive over a million dollars from the Federal Government for what they have paid for land to be used for flood control purposes and for which bills have been submitted in Congress. I believe last week the majority leader of this House practically promised this House that a report would be forthcoming from Mr. Stewart. It has not been forthcoming.

I do not want to take the time of this House, but I would like to refer the House to page 241 of the hearing before the sub-committee of the Committee on Appropriations, held in Washington. I will let them read for themselves some of the asinine statements made by the Secretary of Forests and Waters, Mr. Stewart.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simon,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1425, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett,	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	VanAllsburg,
Brown, H. S.,	Hall,	Munley,	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan,	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1426, entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund to the transferred money

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Donahue,	Lichtenwalter,	Schrope,
Ackermann,	Downey,	Long,	Serrill,
Allen,	Eckels,	Lovett	Shaw,
Andrews,	Ely,	Lyons,	Shearer,
Auker,	Ewing,	Malone,	Simons,
Baker,	Falkenstein,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Bohn,	Fullerton,	McNally,	Sweeney,
Boney,	Furman,	Melchiorre,	Tarr,
Boorse,	Gillan,	Montgomery,	Taylor,
Boose,	Gillette,	Mooney,	Terry,
Brancato,	Goll,	Moran,	Thistle,
Bretherick,	Gorski,	Moser, F. S.,	Tiemann,
Broad,	Habbyshaw,	Moser, J. L.,	Tronzo,
Bronson,	Haines,	Muir,	Van Allsburg,
Brown, H. S.,	Hall,	Munley	Voorhees,
Brown, S. W.,	Harbeson,	O'Dare,	Wagner,
Brunner,	Henry,	O'Neill,	Walsh,
Burns,	Hindman,	Peale,	Watkins,
Burris,	Hoffman, J. N.,	Reagan,	Webster,
Cadwalader,	Holland,	Reese, D. P.,	Welsh, E. B.,
Calvin,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Carpenter,	Huntley,	Rider,	Westrick,
Check,	Imbrie,	Riley,	Wilkinson,
Chervenak,	James,	Robertson,	Williams,
Christler,	Johnston,	Rooney,	Wilson,
Clark,	Kane,	Rose,	Winner,
Cook,	Keenan,	Roseberry,	Wood, H. M.,
Cordier,	Kenehan	Rosenfeld,	Wood, L. H.,
Corrigan,	Kline,	Rothenberger,	Wood, N.,
Cortese,	Knoble,	Royer,	Woodside,
Dalrymple,	Krise,	Sarge,	Yeakel,
DeNote,	Lee,	Sarraf,	Turner,
Dick,	Leisey,	Scanlon,	Speaker.
Dix,	Levy,	Schrock,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1203, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Woodside, for the benefit of the House, can you tell us how much money is being appropriated for the use of the County of Dauphin?

Mr. WOODSIDE. There are one hundred thousand dollars appropriated in the bill before the House, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, may I inquire of the gentleman from Dauphin, as to whether or not the bill so safeguards the money that none of it will be used for the payment of employees of the District Attorney of Dauphin County who were employed illegally, improperly or otherwise contrary to law?

Mr. WOODSIDE. Mr. Speaker, the bill provides for an appropriation to the Department of Justice for the purpose of defraying expenses which have been heretofore or will hereafter be incurred in connection with any grand jury investigations or trials of state officials or former state officials. The appropriation, of course, would be made to the Department of Justice and the Department of Justice will have to spend it in accordance with general law, as well as in accordance with the terms of this bill.

Mr. ACHTERMAN. Mr. Speaker, is it not a fact that the question has been raised as to whether or not some of the assistants of the District Attorney have been improperly and illegally employed?

Mr. WOODSIDE. Mr. Speaker, I do not know of any such question having been raised concerning any of the employes in the District Attorney's office. If the gentleman means by any court action or any official recognition of any such situation, I don't think there has been any.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I appreciate, of course, that the County of Dauphin is placed in a peculiar position because of the fact that the Capitol is located here, and also due to the fact that certain expenditures from time to time must be incurred by the County, that as a matter of fact involve the entire state. For that reason, I personally am going to vote for the bill, although I do say that the Attorney General's Department should scrutenize very, very carefully any expenditure of money made under this fund, so that that Department is satisfied and the public will be satisfied that the District Attorney won't exceed the authority that is vested in him by the various acts of the Legislature, particularly laying stress and emphasis on those employes he may have employed in total disregard of the laws of this Commonwealth.

I realize too that there has been a charge made against the District Attorney of Dauphin County of intimidation of witnesses before the grand jury and I do want to make this comment, while I realize it is going to be difficult to segregate the expenditure of money which is proper and that which is not proper, certainly only a whole-hearted and complete condemnation can be levelled at any District Attorney who stoops to such practices, and while I, Mr. Speaker, intend to vote for the bill, I do it out of fairness to the County of Dauphin and not in consideration of the District Attorney, if the charges levelled against him are true.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Achterman,	Downey,	Lichtenwalter,	Schrope,
Ackermann,	Eckels,	Long,	Serrill,
Allen,	Ely,	Lovett,	Shaw,
Andrews,	Ewing,	Lyons,	Shearer,
Auker,	Falkenstein,	Malone,	Simons,
Baker,	Fauset,	Marr,	Sloan,
Balliet,	Fiss,	Matthews,	Stambaugh,
Balthaser,	Flanagan,	McClester,	Stank,
Bardes,	Foor,	McGarrity,	Stewart,
Bennett,	Freed,	McLane,	Stockham,
Boney,	Fullerton,	McNally,	Sweeney,
Boorse,	Furman,	Melchiorre,	Tarr,
Boose,	Gillan,	Montgomery,	Taylor,
Brancato,	Gillette,	Mooney,	Terry,
Bretherick,	Goll,	Moser, F. S.,	Thistle,
Broad,	Gorski,	Moser, J. L.	Tiemann,
Bronson,	Habbyshaw,	Muir,	Tronzo,
Brown, H. S.,	Haines,	Munley,	VanAllsburg,
Brown, S. W.,	Hall,	O'Dare,	Van Belle,
Brunner,	Harbeson,	O'Neill,	Voorhees,
Burns,	Henry,	Peale,	Wagner,
Burris,	Hindman,	Reagan,	Walsh,
Cadwalader,	Hoffman, J. N.,	Reese, D. P.,	Watkins,
Calvin,	Holland,	Reese, R. E.,	Webster,
Carpenter,	Hoyt,	Rider,	Welsh, E. B.,
Check,	Huntley,	Riley,	Welsh, M. J.,
Chervenak,	Imbrie,	Robertson,	Westrick,
Christler,	James,	Rooney,	Wilkinson,
Clark,	Johnston,	Rose,	Williams,
Cook,	Kane,	Roseberry,	Wilson,
Cordier,	Keenan,	Rosenfeld,	Winner,
Corrigan,	Kenehan,	Rothenberger,	Wood, H. M.,
Cortese,	Kline,	Royer,	Wood, L. H.,
Dalrymple,	Knoble,	Sarge,	Wood, N.,
DeNote,	Krise,	Sarraf,	Woodside,
Dick,	Lee,	Scanlon,	Yeakel,
Dix,	Leisey,	Schrock,	Turner,
Donahue,			Speaker.

NAYS—3

Bohn,	Levy,	Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PARLIAMENTARY INQUIRY

Mr. ROSE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman will state his parliamentary inquiry.

Mr. ROSE. Mr. Speaker, I rise to a question of whether the actions of this House have been and will be in conformity with the Rules of the House.

The SPEAKER PRO TEMPORE. The Chair will state that the actions have been in conformity with the Rules of the House.

Mr. ROSE. May I ask. Mr. Speaker, whether further proceedings will be under the Rules of this House when it appears that a Rule is being violated? I question whether the Speaker Pro Tempore is properly in the Chair, not having vested himself with the emblem of authority on his left lapel.

The SPEAKER PRO TEMPORE. The Chair rules that the Chair is properly attired, and the Chair rules that the proceedings to this time have been in accordance with the Rules of the House. The Chair wishes to say to the gentleman from Cambria that further proceedings will also be in accordance with the Rules of the House.

QUESTION OF PRIVILEGE

Mr. ROSE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER PRO TEMPORE. The gentleman from Cambria will state his question of privilege.

Mr. ROSE. I rise to the question of privilege and offer to the Speaker Pro Tempore his badge of authority in order that this question may be removed.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. Andrews, for presiding.

The SPEAKER. The Chair feels that the gentleman from Cambria is at last properly decorated and is now a member of the Order of Presiding Officers of this House. The Chair feels, however, inasmuch as the badge is a white badge and he has always understood that a white carnation indicates purity, the Chair believes the carnation worn by the gentleman from Cambria, Mr. Andrews, should have just a little tinge of red in it.

RESOLUTION

RECALLING HOUSE BILL NO. 331 FROM THE GOVERNOR

Mr. HABBYSHAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), That House Bill No. 331, Printer's No. 613, entitled "An act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. BRETHERICK from the Committee on State Government reported as amended, House Bill No. 40, entitled:

An Act to further amend subsection two of section one, and section three of the act, approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies." by reestablishing the office of resident clerk in the House of Representatives; creating the office of executive secretary to the chief clerk and resident clerk; fixing their compensation, and the duties of the resident clerk; and providing for their election and appointment.

Mr. TIEMANN from the Committee on Cities—First Class reported as amended, House Bill No. 1411, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the day and mileage of jurors and witnesses" by changing the pay of jurors in counties of the first class.

Mr. TAYLOR from the Committee on Municipal Corporations reported as committed, House Bill No. 1492, (Senate Bill No. 796), entitled:

An Act to amend section nine of the act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws 108) entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River and the issuance of permits therefor" by providing for the assignment of such permits in certain cases and making further provision with respect to the collection of tolls.

Mr. TAYOR from the Committee on Municipal Corporations reported as committed, House Bill No. 1491, (Senate Bill No. 795), entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

Mr. HAINES from the Committee on Game re-reported as amended, House Bill No. 1126, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts fixing a maximum salary for the executive director of the commission further revising the provisions of said act relating to license tags the hunting privileges of certain minors the hours and seasons open for and lawful methods of hunting and trapping the possession and transportation of game fur-bearing animals and firearms hunting big game by groups and certain regulatory powers of the commission authorizing the establishment of wild life refuge projects by sportsmen's organizations and changing penalties.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives May 11, 1939.

Resolved (if the Senate concur), that House Bill No. 331, Printer's No. 613, entitled "An act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor", be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed

that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 10, 1939.

Resolved (if the Senate concur), that House Bill No. 373, Printer's No. 110, entitled "An act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation", be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), that House Bill No. 374, Printer's No. 615, entitled "An act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has ben pai ' and providing penalties and citing certain acts for repeal' providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates", be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 11, 1939.

Resolved (if the Senate concur), that House Bill No. 1074, Printer's No. 387, entitled "An act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its pwers and duties' changing the number and term of members further defining their powers and duties and terminating the terms of members now in office", be recalled from the Governor for the purpose of amendment.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair desires to advise the members of the House that on Wednesday of next week we will have the annual party for the members to be held at the Blue Ridge Country Club. There will be a soft ball baseball game between the Democrats and the Republicans. The captain of the Republican team will be Mr. Leydic of Allegheny county, and the understanding of the Chair is that Mr. O'Keefe of Allegheny is the captain of the Democratic team. All those who in past years played ball and ran around the bases and still think they can do it, will please give their names to Mr. Leydic.

There will also be a golf tournament. Mr. Gates of Armstrong, will be in charge of golf. There will be prizes, and those of you who wish to play will please bring your clubs with you.

We will also have a quoit pitching contest and the Chair appoints Mr. Paul Bardes in charge of that contest.

There will be prizes for the newspapermen who care to take part in the golf tournament. I understand the newspapermen are not physically able to play anything but golf so they are not included in any of the other contests.

Friday the 19th, will be the big day at the World's Fair in New York. Mr. Cadwalader is the Chairman of the Committee. The special train will leave at 7:45 a. m.; special rates will be provided. Those intending to go to New York should notify the committee not later than Monday next. The train will return from New York about midnight on Friday night.

COMMITTEE MEETING

There will be a meeting of the Committee on

Appropriations, Monday, May 15 at 7:30 p. m., in Room 326B.

The Harrisburg Post of the American Legion respectfully invites you to attend Legislative Veterans' Nite at their Post Home, Tuesday Evening, May 16th, 6:30 p. m., Daylight Saving Time—Buffet Dinner and Entertainment.

If it were possible we would like to entertain all the Members of the House, Senate and the Governor's Cabinet, but as our facilities are limited we are confining our invitations to those Members who are War Veterans.

ADJOURNMENT

Mr. ELY. Mr. Speaker, I move that this House do now adjourn until Monday, May 15, 1939, at 8 p.m.

The motion was agreed to, and (at 2:45 p. m.) the House adjourned until Monday, May 15, 1939, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

FRIDAY, May 12, 1939

The Senate met at 12:30 o'clock, a. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

O Lord of Love, who guidest and carest for Thine own, help us to trust Thee above all things and to dwell in Thine unchanging peace. Help us to long for Thee even as the hart panteth for the water brooks.

Deliver us, O God, from the deadness of indifference to spiritual things which creeps upon us so steadily that we are unable to feel the fastening of its deadly tentacles upon our unsuspecting souls, lest like the octopus, it then crushes out the life of its victim.

Give us, then, if we do not now possess it, the deep inner urge to unshackle our spirits from the bonds which enslave us to the things of this world and in their stead place a loving obedience and a loyal faith dedicated to the eternal verities of the world to come. These, and these alone, will never fail.

Investments in clean living and in active faith in God pay large dividends and they are never passed. We pray in the name of the Almighty God. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 41, (Senate Bill No. 1012), entitled:

An Act to further amend section one of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 147), entitled "Toll Bridge Acquisition Law" by providing for the lighting of bridges taken over by the Commonwealth at the expenses of the Commonwealth.

Which was committed to the Committee on Highways

House Bill No. 138, (Senate Bill No. 1013), entitled:

An Act to further amend section two hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "Administrative Code of 1929," by requiring certain qualifications for the Adjutant General.

Which was committed to the Committee on State Government.

House Bill No. 382, (Senate Bill No. 1014), entitled:

An Act to further amend sections two hundred and two and two hundred and thirteen and to add sections one thousand four hundred and twelve and one thousand four hundred and thirteen to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by creating a Bureau of War Veteran Affairs; requiring the appointment to two Deputies Adjutant General; and prescribing their duties.

Which was committed to the Committee on State Government.

House Bill No. 662, (Senate Bill No. 1015), entitled:

An Act to amend section one of the act approved the sixth day of May, one thousand nine hundred and twenty-seven, (P. L. 843), entitled "An act authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct, and maintain roads wholly upon the lands of State institutions and State parks, and providing for the payment of the cost thereof," by authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct and maintain roads, bridges and viaducts wholly on State Armory properties and State Military Reservations, and on the grounds of the Soldiers' and Sailors' Home of Erie, Pennsylvania.

Which was committed to the Committee on Highways.

House Bill No. 703, (Senate Bill No. 1016), entitled

An Act to amend section five hundred thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by providing for the publication of certain notices relative to the preparation of budgets in school districts of the first class.

Which was committed to the Committee on Education.

House Bill No. 724, (Senate Bill No. 1017), entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth; conferring powers and imposing duties on the Superintendent of Public Instruction; and making an appropriation.

Which was committed to the Committee on Education.

House Bill No. 1185, (Senate Bill No. 1018), entitled:

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes Retirement Law," by further defining State employe.

Which was committed to the Committee on State Government.

House Bill No. 1203, (Senate Bill No. 1019), entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

Which was committed to the Committee on Appropriations.

House Bill No. 1424, (Senate Bill No. 1020), entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

House Bill No. 1425, (Senate Bill No. 1021), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Which was committed to the Committee on Appropriations.

House Bill No. 1426, (Senate Bill No. 1022), entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

House Bill No. 1060, (Senate Bill No. 1023), entitled:

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity regulating actions of such instruments and execution on judgments obtained in such actions, and excepting certain actions from the provisions of said act.

Which was committed to the Committee on Judiciary General.

HOUSE CONCURS IN SENATE BILL No. 414,
(HOUSE No. 1440)

He also returned to the Senate, Senate Bill No. 414, entitled:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December thirty-first, one thousand nine hundred and thirty-nine, for current expenses and debt service and to issue and sell bonds for this purpose.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 415,
(HOUSE No. 1441)

He also returned to the Senate, Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collcting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 488,
(HOUSE No. 1404)

He also returned to the Senate, Senate Bill No. 488, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for fire protection and to pay therefor out of their appropriations for support and maintenance.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 673,
(HOUSE No. 1433)

He also returned to the Senate, Senate Bill No. 673, entitled:

An Act to amend Section 1 of the act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits, time clock circuits, and certain telegraph teleprinters.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 414, entitled:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December thirty-first, one thousand nine hundred and thirty-nine, for current expenses and debt service and to issue and sell bonds for this purpose.

Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the volaton thereof provding revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribng the method of fixing the levy of school taxes in such districts.

Senate Bill No. 488, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

Senate Bill No. 673, entitled:

An Act to amend Section one of the Act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits time clock circuits, and certain telegraph teleprinters.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. RUTH, from the Committee on Law and Order, reported as amended, Senate Bill No. 855, entitled:

An Act to further amend subsection A of section three hundred and two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by providing for the appointment of personnel where no person on eligible list has resided in a district required length of time.

Mr. HEYBURN, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 963, (House Bill No. 1401), entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties.

He also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 958, (House Bill No. 1031), entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2714) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation"

He also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 962, (House Bill No. 1302), entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended to exempt domestic servants and agricultural workers from the provisions thereof except in certain cases

He also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 961, (House Bill No. 1301), entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure

for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents.

He also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 957, (House Bill No. 1030), entitled:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practices and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death increasing powers and duties of the board and imposing additional penalties and generally amending clarifying and changing the provisions of said act.

Mr. EALY, from the Committee on Appropriations, reported as committed, Senate Bill No. 923, (House Bill No. 1266), entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County, Pennsylvania.

Mr. GELTZ, from the Committee on Elections, reported as amended, Senate Bill No. 746, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further regulating the appointment of overseers the nomination of candidates for special elections; the nomination of substituted candidates; giving instructions to voters; time allowed for voting and the payment of certain contributions for primary and election expenses; and prescribing the affect of contest proceedings pending the final decision thereof.

BILL INTRODUCED

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 1024, entitled:

An Act prohibiting the Department of Public Assistance from granting any assistance to any unmarried person who is not a citizen of the United States and a resident

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 474, on final passage, entitled:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 842, on final passage, entitled:

An Act to repeal section three hundred and two of the act approved the fifth day of December, one thousand nine hundred and thirty-six, (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employes to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 152, entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the "Pennsylvania Board of Parole;" conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the Board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors and providing penalties therefor; and for other cognate purposes.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I think I simply ought to state that this is a parole bill and has been duly amended by two judges who are interested in it—Judge Gordon of Philadelphia and Judge Smith of Pittsburgh, both of whom say it is O. K. and I want to say it is O. K.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 168, on third reading, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 237, (House Bill No. 259), entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An Act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 253, on third reading, entitled:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" increasing share of full-time teachers' salaries to be paid by Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 291, (House Bill No. 342), on third reading, entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers and duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for non-compliance therewith

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 292, (House Bill No. 424), entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the

tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending and/or repealing inconsistent legislation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 359, entitled:

An Act to enable tax collectors and receiver of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred thirty-three one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hudred and thirty-seven and validating the liens of such taxes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EDMUNDS. Mr. President, I ask unanimous consent that Senate Bill No. 366, on third reading entitled:

An Act to further amend section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations of private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 377, (House Bill No. 176), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by defining clarifying and limiting certain exemptions imposing the tax upon the value of certain equitable interests personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 381, (House Bill No. 284), entitled;

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcrips to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before and administered by the register of will of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment thereof or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the power duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 438, (House Bill No. 256), entitled:

An Act to amend subsections (b) and (c) of section four hundred twelve clause three and four of subsections (b) of section nine hundred thirteen and section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 449, (House Bill No. 573), entitled:

An Act to amend section four hundred and forty-six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganizing of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the members of the Board of Commisssioners of Public Grounds and Buildings to act on said board through deputies

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 450, (House Bill No. 624), entitled:

An Act to amend section nine of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 480, (House Bill No. 423), entitled:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adultered or misbranded paris green lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELDER, Mr. President, I ask unanimous consent that Senate Bill No. 504, on third reading, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court the judges thereof to consist of the retired judges of the Supreme Superior Common Pleas and Orphans' Courts and to perform auxiliary judicial services in the several courts of the Commonwealth and providing for their necessary expenses and for the continuation of their retirement pay while performing such services

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 506, entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" giving owner of mansion house divided by county line right to choose situs of assessment

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 524, (House Bill No. 687), entiteld:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by extending the power of park guards to police the lands properties and buildings taken for park purposes which are located beyond the limits of such cities

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 565, (House Bill No. 285), entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the election of auditors

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 568, (House Bill No. 616), entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 571, (House Bill No. 822), entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 577, (House Bill No. 902), entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township county school district poor and institution district

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 578, (House Bill No. 1068), on third reading, entitled:

An Act to further amend section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the method of filling vacancies in boards of commissioners

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 584, on third reading entitled:

An Act to repeal section two of the act approved the first day of April one thousand seven hundred and ninety-seven (3 Smith's Laws 294) entitled "An act to regulate the manner of selling loaf bread and to repeal certain existing laws respecting the same"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 601, (House Bill No. 559), entitled:

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities boroughs incorporated towns or townships or any combination thereof

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Eroe,	Mallery,	Stevenson,
Coleman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrich,	Heyburn,	Ruth,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Sipe,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063), on third reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 618, (House Bill No. 193), on third reading, entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 621, (House Bill No. 487), entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 625, (House Bill No. 680), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days school shall be kept open

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 667, (House Bill No. 1057), entitled:

An Act to repeal the act approved the second day of July one thousasnd nine hundred and thirty-seven (P. L. 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and

authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation"

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrich,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 669, on third reading entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utiltier certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of muncipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the apporpriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utlities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 670, on third reading, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," by redefining "rural area" and limiting the exercise of the power of eminent domain.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 677, entitled:

An Act authorizing counties of the third class to enter into agreements with certain hospitals for the care of contagious disease cases and authorizing such counties to make appropriations therefor

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,

Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 712, (House Bill No. 649), entitled:

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 717, (House Bill No. 899), entitled:

An Act to amend section 571 of the act approved May first one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by changing the conditions of the tax collectors bond fixing the time when the same shall be entered and providing that the bond shall cover the collection of township county and school institution and poor district taxes

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 719, (House Bill No. 1189), entitled:

An Act to amend section six hundred and ten of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 720, (House Bill No. 1234), entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads highways bridges and tunnels by purchase or the exercise of the right of eminent domain providing for the acquiring of fee simple title thereto and the issuance of bonds therefor

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 722, (House Bill No. 1259), entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrich,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 727, entitled:

A Joint Resolution proposing an amendment to section one article fourteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 737, (House Bill No. 741), entitled:

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 739, (House Bill No. 1078), on third reading, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 740, (House Bill No. 1094), entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 741, (House Bill No. 1117), entitled:

An Act to further amend section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by redefining deductions in case of reinsurance

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth.	Wolfenden,
Ealy	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. OWLETT. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 739 (House Bill No. 1078), that just went over in its order.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 739, (House Bill No. 1078), entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 770, (House Bill No. 896), entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. JAMES, Mr. President, I ask unanimous consent that Senate Bill No. 780, (House Bill No. 804) on third reading, entitled:

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from certain provisions of said act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 785, (House Bill No. 1253), entitled:

A Supplement to the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of the Secretary of the Commonwealth" as amended providing for additional fees to be charged and collected by the Department of State

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 802, entitled:

An Act to further amend section two hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" creating additional county detectives in counties of the second class and establishing their salaries.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 814, on third reading, entitled:

An Act to amend Section four of the act approved the thirty-first day of May one thousand nine hundred thirty-three (P. P. 1116) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" by making unlawful the selling of ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice for resale to any purchaser not having cabinets cans or other containers exclusively to preserve or hold the same

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, Mr. President, I ask unanimous consent that Senate Bill No. 815, on third reading, entitled:

An Act to further amend clause (a) of section three of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" regulating the hours of labor for female employes of non-profit charitable or welfare institutions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 818, entitled:

An Act to further amend sections ten and fifteen of the act approved the sixteenth day of May one thousand nine hundred and twetny-three (P. L. 207) entiled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims therefor the method for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing further procedure for preserving such liens and enforcing payment of such claim and validating certain municipal liens heretofore filed and certain liens heretofore revived by suggestion and averment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 827, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 832, (House Bill No. 718), on third reading, entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 833, (House Bill No. 720), on third reading, entitled:

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 63) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties of the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time

go over in its order.

The PRESIDENT. Is the objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 844, entitled:

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No. 103) approved the twenty-eighth day of March one thousand nine hundred and thirty-nine prescribing its powers and duties and reappropriating the unexpended balance of an appropriation made to the Joint Legislative Commission

created by Senate Concurrent Resolution (Serial No. 106) approved the sixteenth day of March one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Bartlett,	Edmonds,	James,	Sipe,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Miller,	Tallman,
Dando,	Gelder,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Walker,
Dent,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 859, on third reading, entitled:

An Act to amend section three hundred and seven of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving right duties and proceedings thereunder and making appropriations removing the requirements that the Governor approve rules regulations and orders issued by the commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hear none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 864, (House bill No. 1201), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 796) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographic film reproductions or photographs or photostatic copies of certain original records

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James.	Snowden,
Chapman,	Eroe.	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller.	Thomas,
Dando,	Gelder.	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth.	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 865, (House Bill No. 1257), entitled:

An Act to amend the title Section 1 as amended and Sections 5 11 12 13 14 16 17 18 20 21 and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 587) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto" by transferring administration of the act to the Department of Agriculture defining "Department" and changing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HOMSHER, Mr. President, I ask unanimous consent that Senate Bill No. 870, (House Bill No. 1371), on third reading, entitled:

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (P. L. 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 872, (House Bill No. 297), entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrich,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 877, (House bill No. 623), entitled

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 883, (House Bill No. 792), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 889, (House Bill No. 913), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 891, (House Bill No. 956), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 892, (House Bill No. 961), entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund making appropriations necessary to effect such transfers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn	Ruth	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 900, (House Bill No. 1127), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoemen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 902, (House Bill No. 1148), entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett deceased

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 904, (House Bill No. 1164), entitled:

An Act to amend clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EALY, Mr. President, I ask unanimous consent that Senate Bill No. 905, (House Bill No. 1170) on third reading, entitled:

An Act providing for practical arts and vocational agriculture home economics and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 907, (House Bill No. 1172), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 908, (House Bill No 1173), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 909, (House Bill No. 1174), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 910, (House Bill No. 1175), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 911, (House Bill No. 1176), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward.
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 912, (House Bill No. 1177), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey.	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth.	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 913, (House Bill No. 1178), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrich,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 914, (House Bill No. 1243), entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 915, (House Bill No. 1244), entitled:

An Act making an appropriation the the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 916, (House Bill No. 1245), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 917, (House Bill No. 1246), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 919, (House Bill No. 1249), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 926, (House Bill No. 1382), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one, and prior sessions, and at its sessions of one thousand nine hundred and thirty-three, and one thousand nine hundred and thirty-five.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 929 entitled:

An Act to further amend sections one thousand two hundred one, one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local; or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, substitutes and temporary employes and further regulating the employment, dismissal, suspension, demotion and retirement of such employes.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I would like to state to the members of the Senate that last Wednesday the sponsors of this bill found that there was some misunderstanding among teachers as to the duties of the teachers, so we called in the heads of some of the teachers' organizations and we agreed upon certain clarifying amendments, some of which go to the substance but most of which go to the language, and it is those amendments I now desire to offer.

Mr. President, I ask unanimous consent to amend section 1 (Section 1201) page 2, line 17 by inserting after the word "temporary" the word S professional; amend Section 1 (Section 1201) page 2, line 23 by inserting after the word "teachers" the words S (or home and school visitors), regular full time; amend Section 1 (Section 1201) page 2, line 24 by inserting after the word "years" the words S regular full time; amend Section 1 (Section 1201) page 2, line 25 by striking out the word "who" and inserting in lieu thereof the words S or clerks serving in the capacity of such secretaries, provided such secretaries are clerks performing such secretarial duties; amend Section 1 (Section 1201) page 2, line 26 by striking out with bold face brackets the words "and those" and inserting in lieu thereof the words S impositions which are now filled from eligibility lists or who are; amend Section 1 (Section 1201 page 3, line 2 by inserting after the word "lists" the words S regular full time; amend Section 1 (Section 1201) page 3, line 12 by adding to the said line the words S or to perform the duties of a temporary professional employe who is absent; amend Section 1 (Section 1201) page 3, line 13 by inserting after the word "temporary" the word S professional; amend Section 1 (Section 1201) page 3, line 22 by striking out with light face brackets S the word "and" and inserting after the word "progress" the words S and rating; amend Section 1 (Section 1201) page 4, line 6 by adding to the said line the words S and no professional employe who has attained tenure status in any school district of this Commonwealth shall thereafter be required to serve as a temporary professional employe before being tendered such a contract when employed by any other school district of this Commonwealth; Any

temporary professional employe who is not tendered a regular contract of employment at the end of two years of service rendered as herein provided shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal; amend Section 2 (Section 1205) page 5, line 5 by underlining the word S "hereafter"; amend Section 2 (Section 1205) page 7, line 14 by striking out with bold face brackets SC the words "in terms of" and inserting in lieu thereof the words S by an approved rating system which shall give due consideration to; amend Section 2 (Section 1205) page 7, line 16 by striking out with bold face brackets the word "standard" and by inserting after the word "cards" the words S to be; amend Section 2 (Section 1205) page 7, line 17 by inserting after the word "prepared" the words S and to be revised from time to time; amend Section 2 (Section 1205 page 7, line 17 by inserting after the word "instruction" the words S with the cooperation and advice of a committee appointed by the Superintendent of Public Instruction including representation from county and district superintendents of schools, classroom teachers, school directors, school supervisors, and such other groups or interests as the Superintendent of Public Instruction may deem appropriate;; amend Section 2 (Section 1205) page 7, lines 27 to 29 by striking out with bold face brackets the words "no teacher shall be retired under the provisions of this section prior to the first day of January" and inserting in lieu thereof the following words S from the effective date of this act until the first day of July; amend Section 2 (Section 1205) page 8, lines 1 and 2 by striking out with bold face brackets all the words in the said lines and inserting in lieu thereof the words S forty-one, boards of school directors may under the provisions of this section terminate the service of any professional employe who has attained to the age of sixty-eight; from the first day of July, one thousand nine hundred forty-one until the first day of July, one thousand nine hundred forty-three any professional employe who has attained to the age of sixty-six; from the first day of July one thousand nine hundred forty-five any employe who has attained to the age of sixty-four, and on and after the first day of July, one thousand nine hundred forty-seven any professional employe who has attained to the age of sixty-two; amend Section 2 (Section 1205) page 8, line 3 by striking out with bold face brackets SC the bracket in the said line and inserting in lieu thereof SC a light face bracket before the word "Whenever"; amend Section 2 (Section 1205) page 8, line 6 by inserting before the word "any" the following S (b); amend Section 2 (Section 1205) page 9, line 11 by adding after the said line the following paragraphs In cases in which suspensions are to be made professional employes shall be retained on the basis of seniority rights where no differences in rating are found. Seniority rights shall also prevail where there is no substantial difference in rating. In cases where there are substantial differences in rating of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards hereinbefore referred to. When a teacher under tenure contract is certified in a field or fields in which his services are no longer needed because of reduction in size of staff for any of the foregoing reasons, such teacher may be granted a temporary certificate for the field in which his services may be used for such reasonable period as may enable such teacher to qualify for the new field of service; Section 2 (Section 1205) page 9, line 7 by inserting after the word "years" the words S at least three months apart; amend Section 2 (Section 1205) page 10, lines 28 and 29 by underlining the following words S shall thereupon issue its subpoena commending such person.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. EDMONDS, Mr. President, I ask unaminous consent that Senate Bill No. 930, on third reading, entitled:

An Act to further amend section four hundred four of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 935, (House Bill No. 642), entitled:

An Act to amend the title and section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,

Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 939, (House Bill No. 1093), entitled:

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with, or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 946, (House Bill No. 1320), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws, nine hundred fifty-four), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip, bonds, certificates, and evidences of indebtedness issued or assumed by such corporations, and requiring certain reports in connection therewith," by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 949, (House Bill No. 272), entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 950, (House Bill No. 737), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the

provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 959, (House Bill No. 1075), entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 970, (House Bill No. 1149), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said fund imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the Member's savings account

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Frey,	Miller,	Thomas,
Dando,	Gelder,	Owlett,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Ruth,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 291, (House Bill No. 342) on page 3 of the Calendar, that went over in its order.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 291, (House Bill No. 342), entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger, consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers and duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the secnd class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts

of acts relating to corporations authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for non-compliance therewith

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I move to amend Title, Page 2, Line 6, by inserting after the word "issuance" the words: "by courts having criminal jurisdiction;" amend Section 1, Page 3, Line 9, by inserting after the word "having" the word: "criminal;" amend Section 1, Page 3, Line 9, by striking out at the end of the line the words "of the," and at the beginning of Line 10 the words: "subject matter"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

RESOLUTION RECALLING SENATE BILL No. 433 (PRINTER'S No. 62) FROM THE GOVERNOR

Mr. OWLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 12, 1939.

Resolved (if the House of Representatives concur), that Senate Bill No. 433, Printer's No. 62, entitled "An act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442) entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions", be recalled from the Governor for the purpose of amendment.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. HEYBURN offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 12, 1939.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Labor and Industry to use the Senate Chamber for a Public Hearing on Labor Relations on Tuesday, May 16, 1939, at 11:00 A. M.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 47, as follows:

An Act to amend section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds on behalf of such person

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing precedure" is hereby amended to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person other than the real estate comprising the home of such indigent person and other than the personal property comprising the furnishings of such home and other personal property not in excess of three hundred dollars shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency whether owned at the time such expenses were incurred or acquired thereafter Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments except as to the real and personal property exempted above

(b) Any claim for the expenses of support maintenance assistance and burial of an indigent person held by any public body or public agency shall have the same force and effect against the real estate of a deceased indigent person as other debts of a decedent and shall be ascertained and recovered in the same manner

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 236, (House Bill No. 239), entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 251, (House Bill No. 140), entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height, in suburban and similar districts of cities of the first class, except under a permit; declaring certain fences a private nuisance, and their erection a misdemeanor; and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof, to include fences in suburban and similar districts in all cities and boroughs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 311, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring funding and refunding of indebtedness temporary and permanent the issuing of bonds by school districts the retirement of indebtedness and the borrowing in anticipation of current revenues

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section one of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty) is hereby further amended to read as follows

Section 506 The Board of School Directors in any school district in this Commonwealth in any year in order to purchase or acquire proper sites or grounds for school buildings or any lands additional to any present school sites or grounds or to erect enlarge equip or furnish any school building or to repair remodel or rebuild any building of any school district or to pay any indebtedness incurred by any municipality for or on account of any school district or for school purposes as herein required to be assumed by any school district hereby established or to pay any refund of taxes decreed by an order of court or to refund any bonded indebtedness except that incurred for current expenses and debt service may create and incur an indebtedness against such school district and issue bonds payable as hereinafter provided to secure the same

In school districts of the first class the indebtedness of any such district shall never exceed two (2) per centum of the last assessed valuation of property taxable for school purposes therein

In school districts of the second third and fourth class the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of property taxable for school purposes therein

In determining the indebtedness of any school district the following deductions from the amount of the gross indebtedness are permitted Cash in the sinking funds inviolably pledged for the payment of existing indebtedness and any bonds of such school district purchased and held in such sinking funds provided that in determining the indebtedness that may be created without the consent of the electors only such bonds as were originally authorized without a vote of the electors and held in all sinking funds may be deducted such outstanding property taxes for school purposes for years prior to the year in which the computation is being made and which are certainly and promptly collectible as quick assets and applicable to the payment of the gross indebtedness any other debts due from solvent debtors and any other revenue that may be applicable within the current fiscal year to the payment of such indebtedness

Section 2 Section five hundred and seven of said act as last amended by section two of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty) is hereby further amended to read as follows

Section 507 All bonds hereafter issued by any school district in this Commonwealth shall be made payable and become due at stated periods as hereinafter provided and the school district issuing the same shall in its annual tax levy provide in such manner and at such time as it may determine for the payment thereof at or before maturity with interest Provided That any school district hereafter issuing any bonds may provide therein for its right to anticipate the payment thereof at such [stated] times as it may deem proper

All bonds issued for the purposes provided for in this act shall be made payable not exceeding twenty-five years after date of said bonds Provided however That (a) bonds issued to refund bonds at maturity and for the payment of which there are no funds available shall be made payable not exceeding ten years after date (b) bonds issued to refund bonds which are callable prior to maturity shall be made payable not later than the dates of maturity of the bonds which are called for redemption (c) bonds issued to fund floating indebtedness incurred for current expenses and debt service shall be made payable not exceeding five years after date (d) bonds issued to fund temporary indebtedness incurred for permanent improvements shall be made payable not exceeding twenty-five years from the date of the incurring of such temporary indebtedness

All bonds hereafter issued by any school district shall be serial bonds and shall mature in annual installments as nearly equal as the bond issue will permit beginning not later than five years after the date of the bonds Provided That in any case where the total amount of principal payable annually on any bond issue would be less than three thousand dollars the bonds shall mature as follows (a) If the maximum life of the bond issue exceeds twenty years one-fifth of the principal amount as nearly as the bond issue will permit shall be payable during each successive period of five years from the date of the bonds (b) if the maximum life of the bond issue exceeds fifteen years but does not exceed twenty years one-fourth of the principal amount as nearly as the bond issue will permit shall be payable during each successive period of five years from the date of the bonds (c) if the maximum life of the bond issue exceeds ten years but does not exceed fifteen years one-third of the principal amount as nearly as the bond issue will permit shall be payable during each successive period of five years

from the date of the bonds and (d) if the maximum life of the bond issue exceeds five years but does not exceed ten years one-half of the principal amount as nearly as the bond issue will permit shall be payable during each successive period of five years from the date of the bonds Provided however That in the final period which may be less than five years the remaining bonds shall mature

The assent of the electors shall be required in all school districts of the second third and fourth class in this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness to an amount in excess of two (2) per centum of the assessed valuation of property taxable for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of property taxable for school purposes therein Provided further That the board of school directors of any school district of the first second third or fourth class shall have authority without the assent of the electors to issue bonds which will incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of property taxable for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Any school district which calls bonds for payment prior to the date of maturity as hereinbefore provided may issue bonds for the purpose of paying any or all such bonds as may be called for payment All bonds issued for the purpose of refunding bonds shall be issued according to the provisions hereinbefore provided for the issuing of such bonds

It shall be the duty of the State Superintendent of Public Instruction to require as part of the annual financial reports of all of the school districts a list of the amount of bonds or other indebtedness that becomes due during the fiscal year together with the amount paid on each item of indebtedness In case of failure on the part of any school district to furnish such report at the required time after the close of the fiscal year the State Superintendent of Public Instruction may withhold any State appropriation that may become due to any such school district until such report covering information regarding the maturities of indebtedness and payments on same during the preceding fiscal year as required herein and any other information which he may require of a school district has been received In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has in any year failed to pay or to provide for the payment of any indebtedness at date of maturity in accordance with the schedule under which the bonds were issued the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and may withhold all State appropriation that may become due to such school district until such time as he is officially advised that all obligations of such school district with reference to any bonds or other evidence of indebtedness past due have been met and paid in full or arrangements to pay same have been made in a satisfactory manner and approved by him

Section 3 Section five hundred and eight of said act as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein

The total amount of temporary indebtedness incurred for current expenses and debt service shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected and unpledged for the current fiscal year Provided That for a period of five years from the effective date of these amendments any temporary indebtedness incurred for current expenses and debt service may equal but not exceed the State appropriations not received but payable during the fiscal year and all taxes levied upon taxable property within the school district for school purposes for past years as well as for the current fiscal year and remaining uncollected and unpledged All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided That at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of a fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred thirty nine shall be payable at any time not to exceed three years thereafter

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan

shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loan together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Superintendent of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first class shall not exceed four-tenths of one (1) per centum and in school districts of the second class shall not exceed three-fourths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided

Section 4 Article 5 of said act is hereby amended by adding immediately after section 508 thereof a new section to read as follows

Section 508.1 School districts may borrow money in anticipation of current revenues to an amount not exceeding such anticipated current revenues which shall be pledged for the payment of such loan or loans and issue notes or other form of obligation executed by the president of the board of school directors and attested by the secretary of said board under the seal of the school district securing such loans said notes or other form of obligation to mature and be payable during the current fiscal year in which such money is borrowed and any such borrowing shall not constitute an increase of indebtedness within the meaning of Article Nine section eight of the Constitution of Pennsylvania or of the act of April twenty one thousand eight hundred seventy-four (Pamphlet Laws sixty-five) its amendments and supplements or of the act of May eighteen one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) of which this act is an amendment Such notes shall bear interest at a rate not exceeding six (6) per centum per annum payable at maturity or in advance and may be sold at either public or private sale for not less than par If such loans are not repaid in whole or in part during the fiscal year in which they are made they or such amounts as remain unpaid shall become an obligation upon the following year's budget and shall be included therein and paid not later than the first day of July of such following year in school districts of the first class and not later than the first day of November of such following year in school districts of the second third and fourth class unless prior to such dates they shall be funded by a bond issue under the provisions of section five hundred six (506) of this act Provided that the incurring of such obligations shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors or Board of Public Education

Section 5 The provisions of this act shall become effective immediately upon its final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 382, (House Bill No. 345), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation to hold such real estate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 383, (House Bill No. 346), entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. EROE, Mr. President, I ask unanimous consent that Senate Bill No. 384, (House Bill No. 349), on second reading, entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consoldiating the laws relating thereto" by providing for the appointment and compensation of assistant district attroneys in counties of the sixth class where there are two or more judges of the court of common pleas

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 393, (House Bill No. 298), on second reading, entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 426, (House Bill No. 250), entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by further extending the time for present employes as defined in the act, to elect to be covered by the retirement system.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 439, (House Bill No. 300), on second reading, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 448, (House Bill No. 394), entitled:

An Act to further amend section one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" by extending the provisions of said act to cities of the second class A.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading,

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 500, (House Bill No. 681), on second reading, entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

be recommitted to the Committee on Public Health for the purpose of further study.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. EALY. Mr. President. I ask unanimous consent that Senate Bill No. 520, (House Bill No. 299), on second reading, entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 522, (House Bill No. 538), entitled:

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws thirteen) entitled "An act in relation to abandonment of portions of railroads"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 523, (House Bill No. 664), on second reading, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 539, as follows:

An Act relating to proceedings for the forfeiture of rights privileges or franchises of corporations making claim against street railway traction or motor power companies in certain cases and providing for the disposition of rights privileges or franchises forfeited and for contracts relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever a claim is made against any street railway traction or motor power company heretofore or hereafter incorporated under the laws of this Commonwealth by any corporation which has or shall have forfeited or abandoned any of its rights privileges or franchises by misuser nonuser or other act or omission upon or by reason of any contract agreement sale or lease of or respecting such rights privileges or franchises such forfeiture or abandonment may be decreed upon proceedings by quo warranto or in any proceeding in which such claim as aforesaid is made the writ of quo warranto in such cases may be issued by the several courts of common pleas in the form and manner now provided by law upon the suggestion of the city borough incorporated town township or municipality in which such rights privileges or franchises are located or upon the suggestion of the street railway traction or motor power company or stockholder of the same against which such claim aforesaid is made

Section 2 Upon a final decree of the court in all proceedings within the provisions of this act establishing the forfeiture or abandonment of rights privileges or franchises of any corporation such of the said rights privileges or franchises so decreed to have been forfeited as are in the possession of used or exercised by and essential and indispensable for the continued public service of the street railway traction or motor power company against which claim was made shall vest in and become owned and controlled by the city borough incorporated town township or municipality in which they are located and the court in which proceedings are had shall so decree Any city borough incorporated town township or municipality which shall own and control and in which shall be vested under the provisions of this section any such forfeited rights privileges or franchises shall be and is hereby authorized to enter into contracts of lease or otherwise for the use and exercise of such rights privileges or franchises with any street railway traction or motor power company upon such terms and conditions and for such time or times as may be agreed upon Provided however That the term of any such contract shall never be for a longer period than fifty years And provided further That the approval of the Public Utility Commission in accordance with existing law first be had and obtained.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 570, (House Bill No. 762), entitled:

An Act to amend subdivision heading (i) of article eleven and section one thousand one hundred forty of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 573, (House Bill No. 890), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising cosolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 708, (House Bill No. 296), entitled:

An Act to validate mortgages sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 709, (House Bill No. 563), entitled:

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses; further regulating the procedure of the board; giving associations of funeral directors the right of appeal in certain cases; and extending the power of the board to make rules and regulations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 730, on second reading, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing for the election by employers of persons engaged in domestic service or agriculture

be recommitted to the Committee on Labor and Industry for the purpose of further study, with the consent of the sponsor of the bill, Mr. Mallery.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 742, (House Bill No. 1361), entitled:

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6), and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "An act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources; prescribing the officers and employes thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts; prescribing penalties; and making an appropriation," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 744, as follows:

An Act to amend paragraph (e) of section two hundred and two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by act of September 28 1938 (Pamphlet Laws forty-four) by providing further exemptions with respect to the transfer and acquistion of property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (e) of section two hundred and two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the

construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of commn pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by act of September 28 1938 (Pamphlet Laws forty-four) is hereby further amended to read as follows

Section 202 Enumeration of Acts Requiring Certificate Upon approval of the commission evidenced by its certificate of public convenience first had and obtained and upon compliance with existing laws and not otherwise it shall be lawful

(e) For any public utility except a common carrier by railroad subject to the Interstate Commerce Act to acquire from or to transfer to any person or corporation including a municipal corporation by any method or device whatsoever including a consolidation merger sale or lease the title to or the possession or use of any tangible or intangible property used or useful in the public service Provided however That such approval shall not be required (1) if the undepreciated book value of the property to be acquired or transferred does not exceed one thousand dollars or (2) if the undepreciated book value of the property to be acquired or transferred does not exceed the lessor of (a) two per centum of the undepreciated book value of all of the fixed assets of such public utility or (b) five thousand dollars in the case of personalty or fifty thousand dollars in the case of realty or (3) if the property to be acquired is to be installed new as a part of or consumed in the operation of the used and useful property of such public utility or (4) if the property to be transferred by such public utility is obsolete worn out or otherwise unserviceable

But exceptions (1) (2) (3) and (4) shall not be applicable and approvel of the commission evidenced by a certificate of public convenience shall be required if any such acquistion or transfer of property involves a transfer of patrons

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 745, as follows:

An Act to amend section one thousand forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by regulating the number of times the same subject matter may be presented to the voters in a petition of initiation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 1040 Number of Proposed Ordinances to be Submitted Special Elections Limited Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this subdivision but there shall not be more than one special election in any period of six months for such purpose Provided That the same subject matter shall not be submitted by petition oftener than one in three years

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 765, (House Bill No. 322), on second reading, entitled:

An Act to repeal the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 767, (House Bill No. 701), entitled:

An Act to futher amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 771, (House Bill No. 962), entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 781, (House Bill No. 963), entitled:

An Act to amend section one of an act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 786, (House Bill No. 1297), entitled:

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (P. L. 395) entitled "An act regulating the sale of concentrate commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seed or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (P. L. 1907 page 273) entitled 'An act regulating the sale of wheat rye corn and buckwheat-bran and middlings or any admixture thereof et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 803, as follows:

An Act requiring plans and specifications for the design or construction of certain utilities structures projects works improvements and buildings to bear the signature and seal of a registered architect or registered professional engineer of the Commonwealth of Pennsylvania before filing with or acceptance or approval or issuance of permit with respect thereto by any department Board commission or other body of the Commonwealth of Pennsylvania or any of its agencies or political subdivisions and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where by Act of Assembly or ordinance copies of plans or specifications for the design or construction of public or private utilities structures projects works improvements or of buildings are required to be filed with or accepted or approved by a department board commission or other body officer or employe of the Commonwealth of Pennsylvania or of any county city town borough school district township or other agency or subdivision of the Commonwealth no such plans or specifications for the design or construction of any public or private utility structure project work improvement or of any building having a capacity of more than thirty thousand cubic feet shall be received for filing accepted or approved nor shall any permit be issued with respect thereto unless such plans or specifications are signed and sealed by a duly qualified Registered Architect or Registered Professional Engineer of the Commonwealth of Pennsylvania

Section 2 Any officer or employe of the Commonwealth of Pennsylvania or of any county city town borough school district township or other agency or subdivision of the Commonwealth or of any department board Commission or other body of any of the foregoing who shall receive for filing accept or approve any plans or specifications or issue any permit with respect thereto for the design or construction of any public or private utility project work improvement or building or any person who with intent to evade the provisions of this act shall in any manner obtain induce or procure the filing acceptance or approval of any such plans or specifications or the issuance of any permit with respect thereto in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than Five Hundred Dollars ($500.00) or undergo imprisonment not exceeding one year or both and in addition any permit or license issued in violation of this act or any consent or approval for any construction granted or resulting from any violation thereof shall be null and void

Section 3 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 804 as follows:

An Act to amend the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 933) entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners defining the power and duties of said board of examiners and providing penalties for the violation of this act" as amended changing limitation upon expenditures by board revising and changing qualifications for registration requiring registrants to obtain and use a seal defining certain terms requiring certain building plans to be signed by registrants prohibiting registration of corporations and firms prohibiting and making certain acts unlawful and increasing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three six and seven of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 933) entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners defining the power and duties of said board of examiners and providing penalties for the violation of this act" are hereby amended to read as follows

Section 3 The secretary of the said board shall keep a true record of all proceedings of the board and may employ such clerical assistance as the board may deem necessary

The said board shall be charged with the duty of enforcing the provisions of this act and may incur such expenses as shall be necessary not exceeding however the sums received by the Commonwealth by fees provided for herein for examinations registrations and renewals all of which shall be paid upon the warrant of the Auditor General approved by the State Treasurer out of the funds in the State Treasury duly appropriated for such purposes The said board shall file with the Governor by December first one thousand nine hundred and twenty and each two years thereafter a full report of its operations

Section 6 Any person residing in or having a place of business in this State who upon the date of the approval of this act is not engaged in the practice of architecture in the State of Pennsylvania under the title of "Architect" shall before engaging in the practice of architecture or being styled or known as an architect secure from said board of examiners a certificate of his or her qualifications to practice under the title of "architect" and be duly registered with said board as provided by this act Any properly qualified person who shall have been engaged in the practice of architecture under the title of "architect" for at least one year prior to the date of the approval of this act may secure such certificate and be registered in the manner provided by this act Any person holding a certificate and being duly registered pursuant to this act may be styled or known as a registered architect No other person shall assume such title or use the abbreviation R A or any other words letters or figures to indicate that he or she is a registered architect Any person who shall have been engaged in the practice of architecture under the title of "architect" for a period of one year prior to the approval of this act may continue so to do without a certificate or registration provided that an affidavit setting forth these facts be filed with the board of examiners within five years from the date of approval of this act but such person shall not be styled or known as a registered architect unless the Board shall have issued to him or her a certificate of qualification and registration as herein provided

Section 7 (a) Any citizen of the United States or any person who has declared his intention of becoming such citizen or any citizen of another country complying with the requirements of this act for aliens being at least twenty-five years of age and of good moral character may apply for academic or technical examination or certificate and registration under this act but before being admitted to the technical examination shall submit satisfactory evidence of having completed the course in a high school approved by the board of examiners or the equivalent thereof and having completed such courses in mathematics history and language as may be determined by the board of examiners or shall pass a satisfactory examination in such branches Examinations for the above academic requirements shall be held by the board of examiners

The board of examiners may accept satisfactory diplomas or certificates from approved institutions covering the course required for academic examination

He shall also present evidence that he or she has had at least six years' satisfactory experience in the office or offices of a duly licensed qualified or registered architect or architects

Upon complying with the above requirements and before receiving a certificate or being registered the applicant shall satisfactorily pass an examination in such technical and professional courses as may be established by the board of examiners unless said applicant be entitled to such certificate and registration without examination as provided in subsequent provisions hereof The board of examiners may in lieu of all examinations accept satisfactory evidence of any one of the qualifications set forth under subdivisions "A" and "B" of this section

A A diploma of graduation or satisfactory certificate from an architectural college or school that the applicant has completed a technical course approved by the board of examiners and has had at least three years satisfactory experience in the office or offices of a duly licensed qualified or registered architect or architects

The board of examiners may require applicants under this subdivision to furnish satisfactory evidence of knowledge of professional practice and supervision of work

B Registration and certification or the equivalent as an architect in another State or country where the qualifications required are equal to those required in this State

C The board of examiners may grant a certificate of qualifications to and register without examination any one who has been engaged in the practice of architecture in this State for at least one year prior to the date of approval of this act as a member of a reputable firm of architects or under his or her own name or to any one who has been engaged in the practice of architecture as an employe for at least five years prior to the date of approval of this act Provided That applicants under this subdivision shall present satisfactory proof of competency and qualifications and evidence as to character And provided That the application for such certificate shall be made within two years after the date of approval of this act

Any architect who has lawfully practiced architecture for a period of more than ten years without the State shall be required to take only a practical examination which shall be of the nature to be determined by the board of examiners

Any architect who is a citizen of a foreign country and who seeks to practice within this State and who has lawfully practiced architecture for a period of more than ten years shall be required to take a practical examination as determined by the board of examiners or if in practice for a period of less than ten years shall obtain a certificate and registration by satisfactory passing academic and technical examinations or by presentation of certificates or diplomas from recognized school showing achievement by applicant satisfactory to the board of examiners

(b) Every person applying for examination or certificate of qualification and registration under this act shall pay a fee of twenty-five dollars to the Commonwealth

Said examination shall be conducted by the full board or by one or more members of the same duly delegated by said board or otherwise as may be determined by the said board

If such applicant shall successfully pass such examination or shall bring himself or herself within the provisions of subdivision "C" above the said board shall issue to such applicant under the seal of the State a certificate of qualification to practice architecture in the State of Pennsylvania which said certificate shall be signed by the president and secretary of the board and shall be in such form as may be prescribed by said board but the same shall contain the name of the successful applicant his or her place of business and the words "Admitted to practice Architecture in the State of Pennsylvania the .....day of ..... 191 ...." Said certificate shall be synonymous with registration and shall have the effect of a license to the person to whom it is issued to practice architecture in this Commonwealth subject to the provisions of the act and the rules of the board The unauthorized use or display of a certificate of qualification and registration shall be unlawful

(c) The board with the approval of the Department of Public Instruction for and on behalf of the National Council of Architectural Registration Boards may give such practical examinations as may be deemed necessary to enable persons who have ten or more years experience as independent practitioners and who wish to change their

status from "Registered by Exemption" to "Registered by Examination" and who are duly qualified and registered to parctice architecture in this Commonwealth to obtain the senior certificate of said National Council of Architectural Registration Boards The fee for such examination shall be ten dollars payable to the Commonwealth

The board with the approval of the department may give any person duly registered and licensed to practice architecture in this Commonwealth a written examination in such subjects as the board shall deem necessary to enable him to obtain the junior certificate of the National Council of Architectural Registration Boards The fee for such examination in one subject shall be ten dollars and fifteen dollars for examination in more than one subject

In both cases the board as such may certify the results of the examinations to the National Council of Architectural Registration Boards in such form as the board may determine

(d) The board may grant a certificate of qualification and registration to any one who has been in the continuous employ of a duly licensed qualified or registered architect or architects performing general drafting and architectural service for fifteen years providing he or she submits evidence of having completed the course in a high school approved by the board of examiners or its equivalent and satisfactory passing and oral examination to be determined by the board

(e) The board shall upon application made at any time prior to January 1 1942 issue a certificate of qualification and registration to all persons now entitled to engage in the practice of architecture by reason of filing with the board the affidavit provided for in Section 6 hereof

Section 2 Sections ten and eleven of said act as amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 64) are hereby further amended to read as follows

Section 10 Each architect receiving a certificate of qualification under the provisions of this act shall annually in the month of June during the time such holder shall desire to continue the practice of architecture as a registered architect in this State apply for a renewal of said certificate whereupon the said board shall upon the payment of a fee in such amount as may be fixed by the board not however in execss of ten dollars issue to such architect in such form as the said board may provide a renewal of said certificate for the term of one year and such renewal shall be duly registered by the secretary of said board in the official register of the board hereinbefore provided for

In the event that any holder of a certificate of qualification to practice architecture shall neglect or fail to have said certificate renewed in the manner herein provided during the month of June in each and every year the right of such architect to practice as a registered architect in this State shall cease and determine on the last day of the month of June during which said certificate should have been renewed under the provisions of this act and it shall be the duty of the secretary of the said State Board of Examiners of Architects to give notice in writing by first class mail of the expiration of such certificate to the holder thereof and make a proper entry on said register showing the expiration of such certificates

Any holder of a certificate of qualification to practice architecture which has expired under the provisions of this section may obtain a renewal of such certificate at any time within one year from the date of its expiration upon application to and the approval of the State Board of Examiners of Architects and upon obtaining such approval and receiving such certificate shall pay to the Commonwealth a fee of ten dollars The time of renewal may be extended for a period not exceeding 60 days at the discretion of the board of examiners

Section 11 The said State Board of Examiners of Architects may by unanimous action either suspend in the manner and for the reasons hereinafter set forth any certificate of qualification to practice architecture issued or renewed under the provisions of this act or may revoke said certificate for incompetency or recklessness or for neglect of duty in the practice of architecture or for dishonest practice in the practice of architecture or upon conviction of the crimes hereinafter specified

(a) The board may suspend for a period not exceeding six months a certificate to practice architecture in the Commonwealth of Pennsylvania of any architect who uses displays or advertises his name jointly as "architects" with the name of any other person not legally engaged in the practice of architecture Provided That nothing herein contained shall be construed as preventing or prohibiting any architect holding a certificate of said board from using displaying or advertising his or her name with the name of any other person or persons not an architect if each uses displays or advertises his true appellation

(b) The board may revoke any such certificate upon proof that the holder thereof has been guilty of causes for revocation hereinabove set forth

Any person or group of persons may prefer charges against an architect Such charges shall be in writing and sworn to by the complainant and forwarded to the State Board of Examiners

Any architect holding a certificate of said Board of Examiners of Architects against whom any of the foregoing charges may be preferred shall be furnished by the said board with a copy of the charges and shall be entitled to a hearing before the said board at which witnesses may be examined respecting the guilt or innocense of the person accused

In the event that the holder of a certificate of qualification to practice architecture issued by the board shall be convicted in any court of competent jurisdiction in this or any other state or commonwealth of forgery embezzlement obtaining money under false pretenses extortion criminal conspiracy to defraud or other like offense or offenses and a duly certified or exemplified copy of the record in such proceeding shall be filed with the board the board shall revoke forthwith the registration to practice architecture which it before issued to the registrant so convicted

In the event that a certificate is revoked or suspended by said board the secretary shall make proper entry and registration of the fact of said revocation or suspension and shall give notice in writing of such revocation or suspension to the holder of said certificate

An any time after the expiration of six months from the date of revocation of said certificate and upon the payment of all costs incurred by said board the person whose certificate has been revoked may make application to the said Board of Examiners of Architects for a new certificate and the said board upon receiving evidence which in its opinion would warrant the granting of a new certificate may at its discretion issue a new certificate upon the payment to the Commonwealth of a fee of ten dollars

It shall be unlawful for any one to display publicly a certificate of qualification which the board has revoked suspended or refused to renew

Section 3 Section twelve of the said act is hereby amended to read as follows

Section 12 Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board bearing the registrant's name and number and the legend "Registered Architect" The board at its discretion may arrange to furnish each registrant with a seal of the design authorized by it and under such conditions as it may establish

Plans and specifications prepared by or under the direct supervision of a registered architect shall be stamped with said seal during the life of the registrant's certificate and it shall be unlawful for any one to stamp or seal any documents with said seal after the registration of the registrant named thereon has expired or has been revoked or suspended unless and until said certificate shall have been renewed or reissued

Section 4 Section thirteen of the said act as amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 64) is hereby further amended to read as follows

Section 13 On and after July first one thousand nine

hundred nineteen it shall be unlawful for any person in the State of Pennsylvania to enter upon the practice of architecture in the State of Pennsylvania or to hold himself or herself forth as an architect or as a "registered architect" or to use any word or any letters or figures indicating or intended to imply that the person using the same is a "registered architect" unless he or she has complied with the provisions of this act and is the holder of a certificate of qualification to practice architecture issued or renewed and registered under the provisions of this act

The practice of architecture consists of rendering or offering to render service to clients by consultations investigations evaluations preliminary studies plans specifications contract documents and a co-ordination of structural factors concerning the aesthetic or structural design and supervision of construction of buildings or any other service in connection with the designing or supervision of construction of buildings located within the boundaries of the Commonwealth regardless of whether such persons are performing one or all of these duties or whether they are performed in person or as the directing head of an office or organization performing them

An architect within the meaning of this act is An individual licensed under the laws of this Commonwealth to practice architecture

In order to safeguard life health and property no person shall practice architecture in this Commonwealth or engage in preparing plans specifications or preliminary data for the erection or alteration of any building located within the boundaries of this Commonwealth except as hereinafter set forth or use the title "architect" or display or use any words letters figures title sign card advertisement or other device to indicate that such person practices or offers to practice architecture or is an architect or is qualified to perform the work of an architect unless such person shall have secured from the board a certificate of qualification and registration or an affidavit card in the manner herein provided and shall thereafter comply with the provisions of the laws of the Commonwealth of Pennsylvania governing the registration and licensing of architects

Nothing in this Act shall be construed to apply to any person who is qualified under the Law to use the title "Registered Professional Engineer" but such person may do such architectural work as is incidental to his engineering work nor shall this Act prevent any person who is qualified under the Law to use the title "Registered Architect" from doing such engineering work as is incidental to his architectural work or from preventing officers and employees of the Government of the United States while engaged within this Commonwealth in the practice of architecture for said Government

Nothing in this act shall be construed to prevent any resident of this Commonwealth from making a set of plans or specifications for the occasional or incidental erection or construction of (1) Any building or enlargement or alteration thereof intended for occupancy by himself or any person association or corporation employing him costing less than $10,000 where the space enclosed does not exceed 30,000 cubic feet calculated by the standards or methods recommended by the American Institute of Architects (2) Any building or enlargement or alteration thereof which is to be used for farm purposes (3) Any single family residence of any size or cost which is to be used by such resident as his home (4) Any remodeling or alteration regardless of cost to existing buildings not involving structural changes and which do not include additions costing $10,000 or more or containing an enclosed space of greater than 30,000 cubic feet calculated as aforesaid Provided That the author of such plans and specifications shall not receive any compensation as the author thereof

Section 5 Section 14 of said act is hereby amended to read as follows

Section 14 Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than fifty dollars nor more than one hundred dollars or to undergo an imprisonment in the county jail of not more than three months either or both at the discretion of the court and for a second or any subsequent offense shall be sentenced to pay a fine of not less than two hundred dollars nor more than five hundred dollars or to undergo an imprisonment in the county jail of not more than six months either or both at the discretion of the court

Section 6 Said act is hereby amended by adding after section fourteen the following new sections to read as follows

Section 15 All plans and specifications prepared for such structures which by the terms of this act shall be prepared by a registered architect shall be signed by a duly qualified and registered architect and stamped with his seal

No person shall designate or imply that he or she is the author of a set of plans or specifications except if he or she was or is in responsible charge of their preparation Whether made by them personally or under his or her immediate supervision

It shall be unlawful for any architect or any person practicing architecture to seek to avoid the provisions of this act by the use of any other designation than the title of "Architect and no such persons shall practice or offer to practice architecture in this Commonwealth or present themselves as qualified for such practice unless and until they have duly qualified and been registered as provided in this act

Section 16 It shall hereafter be unlawful for any non-registered person or for any corporation to seek to avoid the provisions of this act by having a representative or employee seek architectural work in their behalf or for them

No firm company partnership association or corporation shall be registered as an architect

Persons not registered in this Commonwealth as architects shall not claim nor represent their services or work as equivalent to the services or work of a duly qualified registered architect or that they are qualified for any branch or function of architectural practice even though no form of the title of "architect" is used

Section 17 Nothing in this act shall be construed to prevent the continuation in office by the board of an official of this Commonwealth or subdivision thereof who for at least ten years prior to the passage of this amendment to the act has been called upon to pass on or direct the work of architects whose plans are submitted for approval of any department under the laws of the Commonwealth even if such official has not qualified as the author of plans and shall not have been in the continuous practice of architecture for profit

Section 18 The provisions of this act are severable and in the event that any provision thereof should be declared unconstitutional it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect

Section 7 This act shall become effective immediately upon its final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 831, (House Bill No. 519), entitled:

An Act to amend paragraph six of section two of the Act of June first one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain

rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 850, as follows:

An Act to repeal the act approved the third day of April one thousand eight hundred and sixty-eight (P. L. 639) entitled "An act relative to the compensation of the treasurer of Centre County the safe keeping of the county funds et cetera"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the third day of April one thousand eight hundred and sixty-eight (P. L. 639) entitled "An act relative to the compensation of the treasurer of Centre County the safe keeping of the county funds et cetera" is hereby repealed absolutely

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 874, (House Bill No. 465), entitled:

An Act to amend article three by adding thereto section three hundred and twenty and to amend sections nine hundred and one one thousand one hundred and five and one thousand one hundred and eleven of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for the arrangement and reorganization of business organizations under the National Bankruptcy Act for the further merger and consolidation of certain corporations and further regulating the dissolution of such corporations and the survival of remedies after dissolution.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 875, (House Bill No. 482), entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 881, (House Bill No. 780), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 882, (House Bill No. 781), entitled:

An Act authorizing the Secretary of Forests and Waters, with approval of the State Parks Commission, to transfer portions of canal properties acquired by the Department of Forests and Waters, to the Department of Highways for highway purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 893, (House Bill No. 996), entitled:

An Act to amend section three hundred eight and section seven hundred two as amended of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and

officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by facilitating the procedure to borrow money and to acquire or dispose of real estate and to facilitate the approval of amendments by members.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 956, (House Bill No. 673), entitled:

An Act to amend subsections (6) and (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" persons or corporations who furnish transportation of school children exclusively or transportation of materials in dump trucks.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 953, (House Bill No. 1062), entitled:

An Act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 Pamphlet Laws 152 approved April 13 1905 Act No 307 Pamphlet Laws 455 approved June 7 1907 Act No 64 Pamphlet Laws 258 approved April 8 1937

The "Whereas Clauses" were read as follows:

Whereas an adequate and safe supply of water for the public is a matter of primary concern affecting the life health and comfort of the people of this Commonwealth and

Whereas the increase of the population makes it necessary that the available supply of water be conserved controlled and used equitably for the best interests of all concerned and

Whereas the use of water for the supply of water to the public is the most essential of all public service vital to life itself and

Whereas the public interest requires that public water supplies be developed not only for present needs but also for developing needs for a reasonable time in the future from and after any original appropriation or acquisition of a source of supply and

Whereas the public interest requires that sources of water supply appropriated or acquired but not used or not reasonably necessary for future needs should be available for appropriation or acquisition by others requiring such sources

On the question,

Will the Senate agree to the "Whereas Clauses"?

Mr. WOLFENDEN. Mr. President, I move to amend Page 2, Last Paragraph, next to last line, by striking out after the word "or" and before the word "by" the word "acquistion" and insert in lieu thereof the following: "acquisition"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The first section of the bill was read as follows:

Section 1 Definitions

Hereafter in this act the following words and phrases shall be understood to have the meanings herein set forth unless a contrary or different meaning be clearly indicated by the context

(a) "Board" shall mean The Water and Power Resources Board of the Commonwealth of Pennsylvania or any other board or commission of the Commonwealth of Pennsylvania hereafter created as successor to or in sub-

stitution for or vested with the authority now vested in The Water and Power Resources Board

(b) "Public water supply agency" shall mean any corporation or any municipal or quasi-municipal corporation district or authority now existing or hereafter incorporated under the laws of the Commonwealth of Pennsylvania and vested with the power authority right or franchise to supply water to the public in all or part of any municipal or political subdivision of the Commonwealth of Pennsylvania

(c) "Acquire" shall mean to secure or become vested with rights either by purchase lease gift devise adverse possession prescription eminent domain waiver of damages settlement of damages appropriation or otherwise

(d) "Acquisition" shall mean the act of acquiring or the rights acquired

(e) "Water rights" shall mean the right to take or divert water from any rivers streams natural lakes and ponds or other surface waters within or partly within and partly without the Commonwealth of Pennsylvania except water rights heretofore or hereafter acquired under the Act of June 14 1923 Pamphlet Laws 704

Regarding Water Rights heretofore Acquired

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend Page 3, Section 1, Paragraph (a), Line 6, by striking out after the word "mean" and before the word "Water" the word "The" and insert in lieu thereof the following: "the;" amend Page 3, Section 1, Paragraph (a), Line 11, by striking out at the beginning of the line the word "The" and insert in lieu thereof the following: "the"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 Any acquisition of water rights heretofore acquired by any public water supply agency which acquisition has not been followed by an actual taking from the source acquired either heretofore or within a period of one year after the effective date of this Act is hereby declared null and void and of no effect to the extent required to make water rights from such source available for acquisition under the terms of this Act

The third section of the bill was read as follows:

Section 3 No acquisition of water rights from a source of supply by a public water supply agency shall be effective to prevent the acquisition of water rights from such source of supply in the future under the terms of this act unless within one year after the effective date of this act the public water supply agency shall have produced to the board the record upon which such acquisition is founded or a statement of the facts relied upon to show that such acquisition has been lawfully accomplished and shall have filed in the office of the board duly certified and acknowledged transcripts of corporate or other action or proceeding or statement of facts or records relied upon as the basis of a claim of acquisition of water rights and a sworn statement of an estimate of the amount of water reasonably necessary from said source of water supply for present purposes and future needs and also such other or additional information as the board may deem necessary Provided That prior compliance with the provisions of the act of 1937 Pamphlet Laws 258 Number 64 by any public water supply agency shall be deemed to be a full meeting of the requirements of this section of this act

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend Page 5, Section 3, Line 17, by striking out after the word "by" and before the word "public" the word "a," and insert in lieu thereof the following: "any"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth and fifth sections of the bill were read as follows and agreed to:

Section 4 It shall be the duty of the Board to consider and to pass upon the validity of the claims of public water supply agencies making claim to prior acquisitions of water rights under the provisions of Section 3 of this Act and to notify the claimant of its findings

It shall also be the duty of the Board to prepare and keep up to date a public record of all confirmed water right acquisitions and of all permits for the acquisition of water rights classified and indexed as the Board may direct and containing such detailed information as may be available to the Board and which it shall determine should be recorded which said public record shall be known as "Water Acquisition Record"

An actual taking of water from any source and the use thereof to serve the public shall be construed as prima facie evidence of the validity of the claim of any public water supply agency claiming an acquisition thereof and the confirmation by the Board of any acquisition claimed by any public water supply agency shall constitute a validation of the right of the public water supply agency to such water rights in the source as shall be reasonably necessary for its present purposes and future needs subject to modification of said rights at a later date or later dates only under the terms of this Act

Regarding Acquisition of Water Rights Hereafter

Section 5 No public water supply agency shall hereafter acquire any water rights except as provided in this Act and any acquisition of water rights hereafter except as provided in this Act shall be deemed to be unlawful null and void

The sixth section of the bill was read as follows:

Section 6 Hereafter no acquisition of water rights shall be made or taken by any public water supply agency person partnership or corporation except as follows

Any such public water supply agency desiring to acquire new water rights a new source of water supply or to acquire an additional quantity of water or water rights from an existing source of water supply beyond that confirmed by the Board under the preceding sections of this Act as being reasonably necessary for present purposes and future needs shall make application to the Board for a permit to acquire such designated waters or water rights setting forth such of the following information as may be applicable

1 The river or stream from which the supply is proposed to be taken and the necessity for such new water rights new source or additional quantity

2 The amount of water which it is proposed to acquire for present purposes and future needs

3 The district municipality or political subdivision and the population thereof requiring the supply and the necessity for such acquisition

4 The plan for development or use of the water including the capacities of any proposed impounding reservoirs

5 Such other or additional applicable information as the Board may require

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend

Page 7, Section 6, Line 18, by striking out after the word "agency" at the beginning of the line, the words "person partnership or corporation."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section of the bill was read as follows:

Section 7 It shall be the duty of the Board upon receipt of an application under Section 6 of the Act to make such investigation as may be necessary including a search of the Water Acquisition Record to determine whether the approval of the application will affect water rights theretofore confirmed or approved or water rights at that time the subject of application to the Board or water rights for the acquisition of which a permit shall therefore have been issued In case of apparent conflict of interests the investigation shall include and consider the extent of the conservation development and use to the best advantage of existing sources of water supply In case of established conflict of interests the Board after receipt of an application or at any time or from time to time shall have the power to issue modify or impose conditions in permits or confirmed claims for or to the acquisition of water rights theretofore or thereupon issued when deemed necessary by the Board in the public interest and it shall be the duty of the Board to issue and it shall issue all such permits and modification and conditioning orders as the public interest shall require

However if the Board finds that the proposed new source or additional supply will not conflict with the rights to such water or to water rights held by any other public water supply agency which are reasonably necessary for its present purposes or future needs and that the water or the water rights proposed to be acquired are reasonably necessary for the present purposes and future needs of the public water supply agency making application that the taking of said water or the exercise of said water rights will not interfere with navigation jeopardize public safety or cause substantial injury to the Commonwealth then and in that case the Board shall approve the application and shall issue a permit therefor

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend Page 8, Section 7, Line 24, by striking out after the word "shall" and before the word "have" the word "therefore," and insert in lieu thereof the following: "theretofore"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth section of the bill was read as follows:

Section 8 The Board shall have the further power to revoke any permit granted under the terms of this Act in case the water rights are not acquired within one year after the issuance of said permit and said acquisition shall be null and void and of no effect to extent required to make water and water rights from such source available for acquisition under the terms of this act if any actual taking of water be not made within four years after the issuance of said permit

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend Page 9, Section 8, Line 28, by inserting after the word "to" and before the word "extent" at the end of the line the following: "the"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth section of the bill was read as follows and agreed to:

Section 9 All public water supply agencies heretofore or hereafter incorporated under the laws of the Commonwealth of Pennsylvania and holding a permit issued by the Board under the provisions of this Act shall have the power and may exercise the rights of eminent domain as respects the appropriation of the water and the water rights authorized by said permit and land covered by said waters Provided however That such right shall not apply to private spring and private water supplies

The tenth section of the bill was read as follows:

Section 10 Any party or applicant who may be directly or adversely affected by any decision or finding of the Board under any of the provisions of this act shall be entitled on application to be heard in person or by counsel in a public hearing on reasonable notice before the Board or its duly designated agent All members of the Board and its duly designated agents shall have power to administer oaths to any witness appearing for any party in interest in said hearings All testimony and argument shall be recorded and transcribed and shall be read and considered by the Board before it shall make its decision

Any party aggrieved by any decision of the Board under any of the provisions of this act may within thirty days appeal therefrom to the Court of Common Pleas of Dauphin County and the taking of such appeal shall operate as a supersedeas

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend Page 11, Section 10, Line 16, by striking out after the word "entitled" and before the word "application" the word "on," and insert in lieu thereof the following: "upon"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the bill were read as follows and agreed to:

Section 11 Fees Every statement record or application for permit filed under the provisions of this Act or heretofore filed under the provisions of the Act of April 8 1937 Pamphlet Laws 258 shall be subject to filing fee of twenty-five dollars for the purpose of reimbursing the Commonwealth in part for the cost of administration of the act All moneys so collected shall be paid into the State Forests and Waters Fund by and through the Department of Revenue

Section 12 All acts or parts of acts inconsistent herewith are hereby repealed and the following acts are hereby expressly repealed

Act Number 109 Pamphlet Laws 152 approved April 13 1905 being "An Act providing that the right of eminent domain as respects the appropriation of streams rivers or waters or the land covered thereby shall not be exercised by water companies incorporated under law"

Act Number 307 Pamphlet Laws 455 approved June 7 1907 being "An Act to require all water and water power

companies hereafter incorporated or hereafter formed by merger and consolidation or hereafter purchasing the property and franchises of any other such company to designate the exact source of their supply of water or water power and to require all existing water and water power companies merging and consolidating or purchasing the property and franchises of any other such company to accept the provisions of this Act and of the act approved April thirteenth one thousand nine hundred and five entitled 'An act providing that the right of eminent domain as respects the appropriation of streams rivers or waters or the land covered thereby shall not be exercised by water companies incorporated under law' and providing the manner in which water and water power companies subject to the provisions of this Act may secure a new or additional source of supply for their water or water power"

Act Number 64 Pamphlet Laws 258 approved April 8 1937 being "An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of water by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board

Section 13 Separability Clause If any provision of this act or the application of any provision to any person or circumstances is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 14 Inconsistency With Other Acts In so far as any of the provisions of this act are inconsistent with the provisions of any other law the provisions of this act shall be controlling

Section 15 Effective Date This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith including Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8, 1937.

And said bill as amended having been read at length the second time and agreed to:

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 969, (House Bill No. 1036), entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distrillery bonded warehouse certificate for whiskey or any other potoble distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 971, (House Bill No. 1225), entitled:

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devise at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization or corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds right powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 982, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth authorizing the board to

issue permits for certain nets making it unlawful to make sell or possess certain nets and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth is hereby amended by adding after section fifty-two sections fifty-three fifty-four and fifty-five to read as follows

Section 53 Net Permits The board may issue permits to make sell or possess nets larger than four feet square or four feet in diameter Such permits when issued shall specify when and where such nets shall be used by the owner or the persons in possession thereof

Section 54 Nets Unlawful Without Permit It shall be unlawful for any person to make sell or have in his possession a net larger than four feet square or four feet in diameter without a permit therefor issued by the board The possession of a net without a permit therefor shall be prima facie evidence of the violation of this section

Section 55 Penalty Any person violating any of the provisions of section fifty-four of this article shall upon conviction as provided in chapter fourteen be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than two hundred dollars ($200) and to undergo imprisonment for a term of thirty (30) days for each violation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 995, on second reading, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page the names of the owners proprietors or publishers and the managing editors of the same and providing a penalty.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Mr. EROE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 376, (House Bill No. 74), on final passage postponed.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 376, (House Bill No. 74), entitled:

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth class.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL No. 376 (HOUSE No. 74)

Mr. EROE. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. EROE. Mr. President, I voted "aye".

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President. I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. EROE. Mr. President, I ask unanimous consent to amend title, page 1, line 2 of title, by striking out the words S "to repeal"; amend title, page 1, line 10 of title, by inserting after the word "class" the following S and increasing the compensation of detectives in counties of the sixth class; amend sec. 2, page 3, lines 20 and 21, by striking out with heavy-faced brackets the words S "Section two hundred and eighty of said act, and its amendments, are hereby repealed," and insert in lieu thereof Section two hundred and eighty of said act, as amended by the act approved the ninth day of June, one thousand nine hundred and thirty-one, (P. L. 401), is hereby further amended to read as follows: Section 280. In Counties of the Sixth Class. In all counties of the sixth class, the district attorney shall have power to appoint, with the approval of the president judge of the court of common pleas of such county, one county detective, at an annual salary not to exceed [two] four thousand [five hundred dollars ($2,500)] ($4,000) to be fixed by the salary board, in counties where there is a salary board, and in other counties by the district attorney, with the approval of the president judge of said court. Such detective shall also receive his actual and necessary expenses incurred in the performance of his duties. The salary and expenses of such detective shall be paid out of the county treasury in the usual manner. The county detective herein provided for shall hold his position during the term of the district attorney appointing him, and shall be removable at his pleasure. He shall have, possess, and exercise all the rights and powers conferred by existing laws upon constables, so far as such laws relate to crimes and criminal procedure, and shall, when requested by the district attorney, make an investigation and endeavor to obtain such evidence as may be required in any criminal case. He shall also perform such other duties as the district attorney may direct: Provided, however, That nothing herein contained shall prevent the employment of one or more detectives for special purposes as now provided by law.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON SECOND READING

Mr. OWLETT. Mr. President, I move that we now resume consideration of Senate Bill No. 765, (House Bill No. 322), on Page 45 of the Calendar, that went over in its order.

Mr. COLEMAN. Mr. President, I second motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 765, (House Bill No. 322), entitled:

An Act to repeal the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale of distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 746, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further regulating the appointment of overseers the nomination of candidates for special elections; the nomination of substituted candidates; giving instructions to voters; time allowed for voting and the payment of certain contributions for primary and election expenses; and prescribing the affect of contest proceedings pending final decisions thereon.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 855, entitled:

An Act to further amend subsection A of section three hundred and two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L.15—1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, posession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by providing for the appointment of personnel where no person on eligible list has resided in a district required length of time.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 923, (House Bill No. 1266), entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County, Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 957, (House Bill No. 1030), entitled:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practice and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death increasing powers and duties of the board and imposing additional penalties and generally amending clarifying and changing the provisions of said act

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 958, (House Bill No. 1031), entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2714) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and provid-

ing definitions provisions and procedure related to such diseases and making an appropriation"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 961, (House Bill No. 1301), entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 962, (House Bill No. 1302), entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended to exempt domestic servants and agricultural workers from the provisions thereof except in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 963, (House Bill No. 1401), entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment, establishing an elective schedule of compensation, providing procedure for the determination of liability and compensation thereunder, imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees and deans of medical schools, creating medical boards to determine controverted medical issues, establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board, imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases, making an appropriation and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, May 15, 1939, at 8:00 o'clock, p. m. E. S. T.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:20 o'clock, a. m. until Monday, May 15, 1939, at 8:00 o'clock, p. m., E. S. T.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, MAY 15, 1939.

The Senate met at 8:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Father in Heaven, each one of us here assembled, regardless of who we are, was carried back yesterday upon the wings of memory to the old parental home and into the presence of the dearest, sweetest friend we ever had—our mothers. We lingered in that sacred memory or sat beside our mothers in person or remembered her with a letter of love or a bouquet of flowers.

Whatever the manner of remembrance it was at once inspirational and beautiful and helpful for once again we pondered over her words of wisdom, caressed again her lovely face, meditated upon her innumerable acts of heavenly kindness and sacrificial love and constant faith in our behalf. And again, we measured and remeasured what we have become in our lives only to find we have fallen far short of the ideals mother entertained and prayed for us to be.

Tonight then, help us diligently to strive to attain that better self for which mother labored and prayed and sacrificed. May we be lifted into her presence and permit the beautiful fragrance of her wonderful life once more to saturate our entire being and be cleansed and purified in our every endeavor for no man yet has ever lived wrongly when the constraining influence of a godly mother attended him.

God bless the living mothers today; may their children never cease to rise up and call them blessed. God bless us whose mothers have departed this life; may we never cease to live by the light of her godly example for—

"No painter's brush, nor poet's pen,
In justice to her fame,
Has ever reached half high enough
To write a mother's name."

We pray in the name of Him who made the mothers of men. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. EDMONDS, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in connection with matters which are before the Senate I think the statement I am about to make will have some importance and be of some information and will save a great number of the people the trouble of asking me unnecessary questions.

Some weeks ago Senate Bill No. 45 was before the Senate which was known as the Teachers Tenure Act. In connection with that bill I made certain inquiries and I became interested in the situation which confronts the schools. I found that the school system of Pennsylvania, as everybody knows is in a very precarious situation. I found out there were a number of school districts that did not have sufficient money to carry on, there are teachers not being paid and there are a number of teachers who are teaching less than fourteen or fifteen pupils in a class, and that some of the districts were coming to Harrisburg to ask for assistance to carry on their school work.

I also found that there were sufficient votes, according to my investigation, to carry through Senate Bill 45. I also found in Philadelphia our situation is such that we have a $5,500,000 deficit staring us in the face now; and unless something is done there will be at least $6,500,000 additional deficit for the 1940 term, so I made an offer, in connection with the gentlemen on the other side, for the purpose of trying to arrive at a solution to this problem, try to make some arrangement which would bring about an agreement between all of the officers and all of the parties in interest, that we sit down, irrespective of politics, and try and arrive at a result.

We have two bills before the Senate, one of which will allow Philadelphia the right to issue bonds for some $5,500,000 which would take care of the present deficit. There was a bill introduced in the Senate, and passed, to allow Philadelphia to increase its tax rate by one and a half mills—Philadelphia and Pittsburgh—and that solved a portion of the problem of those two cities.

Then, there was another bill on the calendar which would result in a reduction in the teachers' pay of ten per cent of all salaries.

In an effort to bring about some solution I introduced an amendment which limited that for two years, and at the same time precluded reduction in salaries of teachers

receiving under $2,200 per year, and staggering, the reduction from one to ten per cent, so that the lowest salaries would receive the lowest reduction. Then I sat down together with the Senator from Luzerne, Senator Mundy, and we spent long hours, until early morning, with representatives of the teachers, with members of the other side of the house, and then we spent an evening in which almost all, if not all groups were represented and a bill was introduced under the joint sponsorship of Senator Edmonds, Senator Homsher, Senator Mundy and myself.

We discussed this matter for four hours one evening and got the views of all the representatives, we listened to and I think most of them we acceded to. Some of the teachers had objections, to which I referred and I think we listened to all of the objections with care and consideration.

Notwithstanding all of this the teachers have gathered the idea that both Senator Mundy and myself, and the gentlemen on the other side, have some ulterior motive in this whole proceeding, they are not satisfied with these bills, they say that these bills tamper with their tenure.

It is my firm conviction that these bills will have no effect on the tenure of the teachers; in fact I have tried to see to it that the views expressed by those people be incorporated in the bills.

I am frank to point to Senate Bill 930, which in my opinion is of little importance, as certainly one of the most silly objections I have ever heard because it provides that the school directors shall have the right to dismiss any person, any teacher, whose conduct is so subversive to the morals of the community in which she lives as to effect her ability as a teacher, so flagrantly violates the morals of the community—those are the words, and the teachers object to that bill.

That bill was drawn to prevent a situation which was referred to by the Gentleman from Montgomery, Mr. Edmonds, in one case where a teacher who was a teacher in the day time and a tap room bartender in the evening, was said by the lower court to be engaged in work affecting her ability to teach, but the Supreme Court said she could not be disturbed.

There is a complaint against this bill and therefore a complaint against everything that has been done. Because we have endeavored to inject ourselves into this problem and solve it like statesmen they say we have ulterior motives.

I say to those teachers, and for the benefit of those who are within the sound of my voice or who read in the newspapers, that my position or that of the Senator from Luzerne, Mr. Mundy, was to prevent Senate Bill 45 from going through; we tried to compromise and take the sting out of these bills, and I think that as long as our attitude has been misunderstood, I am going to leave the teachers, as far as I am concerned, to look to the Republicans who originated the bill to carry through the bill. I am not going to consider it any further.

Mr. MUNDY. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIIRO. Mr. President, I will.

Mr. MUNDY. Mr. President, am I to understand by the last remark of the Senator from Philadelphia that he is withdrawing his name from the bill?

Mr. SHAPIRO. Mr. President, I should say to the gentleman from Luzerne, Mr. Mundy, that neither he nor I can withdraw our names from the bill, it is in the record, but I can withdraw my participation, I shall not participate any further because I feel maybe the teachers can get along better and solve this problem without me.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne, Mr. Mundy, will state his question of personal privilege.

Mr. MUNDY. Mr. President, the situation is certainly embarrassing to the Senator from Philadelphia, Mr. Shapiro, and very embarrassing to me. The Senator has explained the original bill as introduced. Of course, naturally, I would be vitally interested in maintaining it, but I find, and I have assured myself—that it is an impossible situation to maintain all of the provisions in the original Tenure Bill No. 52, so we attempted to get into a conference with all the groups, and tried to reach a happy medium where most all of those concerned would be satisfied with the contents of it.

I have given my word to my colleagues in the Senate—Senator Shapiro and my Republican colleagues—that we would draft a bill that there should be a bill, as submitted by us, and it would receive our favor.

I do not think there is anybody in the Senate of Pennsylvania as anxious as I am to maintain all the provisions of No. 52 but that has reached a stage where we realize it is an impossibility. However, I do not believe that I should like to withdraw entirely in participating in this matter.

I would like, and I do not want to have any further delay, if my colleague, on the Republican side would consent for an overnight stay—I understand this is on third reading, and I was absent last week— to have a stay until we could have a conference in the morning and take it up at the afternoon session tomorrow.

Mr. CAVALCANTE. Mr. President, from the opinions already discussed and from the experiences of the two gentleman that have spoken on this matter, it would appear that this is a matter of party whether the Republicans will do one thing or whether they will not. Speaking for myself, as a member of this Senate, I want it strictly understood that I do not regard the consideration of this subject matter on partisan lines.

I have nothing to do with any partisan understanding on the teachers tenure law but I am getting sick and tired of having school directors lobbyists down here interfering with the school laws and the passage of legislation, especially when they deal with teachers tenure. I hope that the time will come when the tenure of school teachers will be lifted entirely out of the jurisdiction of school directors and put in more stable hands.

Mr. MUNDY. Mr. President, if I wanted to take the same position as the Senator from Fayette, I probably would have stood on this floor and said that I upheld the provisions of No. 52 in response to the pressure of pressure type groups; probably I would stand out as far as the affections of the teachers of Pennsylvania are concerned. That to me would be a very, very selfish motive; I would be putting myself above all the interests of the school

teachers of Pennsylvania and in refusing to support, sacrifice everything we have gained.

I cannot see how the Senator would interpret the fact that we sat down as a group that there is any partisan politics in it. As a matter of fact the prime move was to eliminate politics from consideration of this bill, and I would definitely like to be on record as saying, as far as politics are concerned, that neither the Senator from Philadelphia, Mr. Shapiro, nor myself want anyone to believe that partisan politics had any part in the drawing of this bill.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF STATE BOARD OF CENSORS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate John Clyde Fisher, Sharon, Mercer County, for appointment as a member of the Pennsylvania State Board of Censors, to serve until the third Tuesday of January 1943, and until his successor shall have been appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF THE LYCOMING COUNTY BOARD OF ASSISTANCE

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Mrs. Marjorie Nicholson, Muncy, Lycoming County, for appointment as a member of the Lycoming County Board of Assistance, to serve until December 31, 1940, and until her successor is duly appointed and qualified, to fill the vacancy caused by the revocation of the commission of Mrs. Grace Nicholson.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF ADAMS COUNTY BOARD OF ASSISTANCE

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate James B. Aumen, Gettysburg, Adams County, for appointment as a member of the Adams County Board of Assistance, to serve until December 31, 1940, and until his successor is duly appointed and qualified, to fill the vacancy caused by the revocation of the commission of James A. Aumen.

ARTHUR H. JAMES.

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

RESOLUTION RECALLING SENATE BILL No. 268 FROM GOVERNOR

Mr. MALLERY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 15, 1939.

Resolved (if the House of Representatives concur), That Senate Bill No. 268, Printer's No. 56, entitled "An act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled 'An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act' by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction relocation alteration protection or abolition of crossings of facilities of public utilities and of such fa-

cilities by or over public highways limiting in certain cases the amount to be borne by the public utilities concerned and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement as well as the amount of damages or compensation awarded to the owners of adjacent property," be recalled from the Governor for further consideration and amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION REGARDING BOND REQUIRED FROM RELIEF RECIPIENTS

Mr. DENT. Mr. President, before I introduce this resolution I would like to make a few remarks as to its nature. We have heard a lot of discussion on the floor of this Senate relative to the bond demanded from persons receiving relief.

On numerous occasions on the floor of this Senate I have stated that they were not only requiring relief recipients to sign bonds, but they intended to use the bonds as liens against the property.

Last Saturday when I went home I went into the prothonotary's office and went through the records and found that was entered against one hundred and seventy-five relief recipients in my county. They have three men working all day running titles in the Recorder of Deeds office; just as fast as they can get clear title to the property they are entering these liens.

This Senate approved a resolution last week which showed the people that this Senate disproves of the requirement of a bond from relief recipients. I believe, in fairness to the persons who have already signed bonds, and I understand there are five thousand in my county who have signed these pressure bonds, in fairness to them I believe we should invalidate bonds already signed, and in drafting this resolution I left out all whereas clauses that may be termed political, in order that I might get unanimous consent for immediate consideration of this resolution.

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, May 15, 1939.

Whereas, A recent order of the Department of Public Assistance required the signing of judgment bonds by persons receiving public assistance and assistance relief and

Whereas, Pursuant to two resolutions introduced in the Senate, the Senate has disapproved of such requirements in the receiving and the treatment of relief recipients and

Whereas, Said judgment bonds have been entered in various counties and are a matter of record as a lien against properties owned or to be owned by relief recipients

Therefore, Be It Resolved that the Department of Public Assistance be instructed to refrain from requiring signatures of said bonds and to institute the proper legal proceedings to write off any and all such liens of record that have been entered in the offices of the various counties.

Copies of said Resolution to be presented to the Director of Public Assistance for his guidance.

On the question,

Will the Senate agree to the Resolution?

Mr. OWLETT. Mr. President, I object.

MOTION TO SUSPEND RULE 39

Mr. DENT. Mr. President, I move that the Senate suspend Rule 37 in order that we may proceed to immediate consideration of this resolution.

Mr. HALUSKA. Mr. President, I second the motion.

Mr. DENT. Mr. President, just a moment; I want to amend that by saying to suspend Rule 35 instead of Rule 37. Rule 35 is the rule which must be suspended.

The PRESIDENT. In what directory is the Senator from Westmoreland looking?

Mr. DENT. Mr. President, it is the 1939 Legislative Directory.

The PRESIDENT. And you are referring to Rule 35?

Mr. DENT. That is what it says here, Mr. President.

The PRESIDENT. Rule 29 does not apply.

Mr. DENT. Well then, Mr. President, Rule 29—whatever it is.

The PRESIDENT. It is moved by the Senator from Westmoreland, Mr. Dent, and seconded by the Senator from Cambria, Mr. Haluska, that Senate Rule No. 29 be suspended. Are there any remarks?

Mr. HEYBURN. Mr. President, that is the wrong rule.

The CHAIR. For the information of the gentleman from Delaware, Rule 29 reads as follows "the consent of two-thirds of the members present shall be necessary to dispense with any rule." Two-thirds of all the members elected to the Senate are necessary to alter or change or amend.

Mr. HEYBURN. Yes, Mr. President, but the rest of the rule referring to resolutions is rule 39; regarding the objection.

Mr. DENT. Mr. President, before taking this vote I want to call attention to the Senators the fact that all this resolution does is call attention to the Public Assistance Board Directors that we, the members of the Senate do not believe it is fair that a certain number of persons on relief shall have a lien entered against their property while others are not required to sign that bond, pursuant to the resolution we passd last week. I do not believe it is fair to say to one hundred seventy-five citizens of my county that they must have a lien against property that they may own now and thousands and thousands who receive relief do not have to sign. I only ask that you be fair.

Mr. OWLETT. Mr. President as I understand it there is a motion to suspend Rule 39, which requires that all resolutions be referred to a committee after being read twice, and that that has been objected to.

The PRESIDENT. That is correct.

Mr. OWLETT. Mr. President, I object to immediate consideration of this resolution. This resolution involves judgments which the Commonwealth has obtained and it is very obvious they cannot be dispensed with by a mere resolution of this Senate; and it is, therefore, very obvious this should be studied by a committee in a regular, orderly procedure before passing such a resolution, which involves assets of this Commonwealth, and I therefore ask that the motion be voted down.

The yeas and nays were required by Mr. OWLETT, and were as follows, viz:

YEAS—23

Coleman,	Frey,	Kunkel,	Rice,
Dando,	Gilson,	Lanius,	Ruth,

Deitrick,	Haluska,	McCreesh,	Shapiro,
Dent,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Jaspan,	Mundy,	Stiefel,
Eroe,	Kilgallen,	Reed,	

NAYS—24

Bartlett,	Farrell,	Letzler,	Stevenson,
Cavalcante,	Gelder,	Mallery,	Tallman,
Chapman,	Geltz,	Miller,	Thomas,
Crowe,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,

So the question was determined in the negative.

The PRESIDENT. The resolution is referred to the Committee on Welfare, Public Assistance and Pensions.

RESOLUTION REQUESTING INFORMATION FROM PENNSYLVANIA TURNPIKE COMMISSION

Mr. REED. Mr. President, I desire to offer a resolution which I think is self-explanatory, and I ask permission to read same.

The PRESIDENT. The Chair hears no objection.

In the Senate, May 15, 1939.

Whereas, the most serious problem in Pennsylvania today is unemployment and

Whereas, the Pennsylvania Turnpike Commission has been created for the purpose of constructing a public thoroughfare across the State commonly known as the "Dream Highway," and

Whereas, huge sums of public money have been obtained for use in the building of said "Dream Highway," and

Whereas, In the construction of said highway, general public complaint has arisen over the practice of engaging contractors and workmen from other States in preference to those from Pennsylvania.

Now therefore, be it resolved by the Senate of Pennsylvania, that the Pennsylvania Turnpike Commission be requested to promptly furnish to each member of the Senate the names and addresses of all contractors, subcontractors and workmen engaged in the building of said highway who were not residents of Pennsylvania at the time they became engaged for such work.

Mr. REED. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, offered the following resolution which was twice read considered, and agreed to:

In the Senate, May 15, 1939.

Whereas, the most serious problem in Pennsylvania today is unemployment and

Whereas, the Pennsylvania Turnpike Commission has been created for the purpose of constructing a public thoroughfare across the State commonly known as the "Dream Highway," and

Whereas, huge sums of public money have been obtained for use in the building of said "Dream Highway," and

Whereas, In the construction of said highway, general public complaint has arisen over the practice of engaging contractors and workmen from other States in preference to those from Pennsylvania.

Now, therefore, be it resolved by the Senate of Pennsylvania, that the Pennsylvania Turnpike Commission be requested to promptly furnish to each member of the Senate the names and addresses of all contractors, subcontractors and workmen engaged in the building of said highway who were not residents of Pennsylvania at the time they became engaged for such work.

Mr. REED. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. EALY. Mr. President, I object.

On the question,

Will the Senate agree to the resolution?

Mr. EALY. Mr. President, I object to this on the ground it is practically impossible for the Turnpike Commission to furnish the names of all the workmen engaged on its construction.

Mr. REED. Mr. President, I do not see that would be a very hard thing; they could get it from the contractor or the sub-contractor.

Mr. EALY. Mr. President, I object to it.

Mr. REED. Mr. President, why did not the Senator from Somerset say that first? The resolution states the names of all contractors, sub-contractors and workmen.

Mr. EALY. Mr. President, that is impossible.

Mr. REED. Mr. President, the purpose of this resolution is to find out whether the complaints that are being raised to the effect that contractors from outside of Pennsylvania are doing a major part of the work on this highway, and that they are bringing workmen with them from Ohio and other states.

Now, we have in this state today thousands of unemployed. This state has paid out or is about to put huge sums of money in order to carry on this work and construction and I think the people of Pennsylvania have a right to know whether they are being set aside on this work for workmen from outside of Pennsylvania.

The resolution is fair and it is clear, and I see no reason why the representatives of the people of Pennsylvania have not the simple and fair right to know who is doing the work on this highway today.

Mr. EALY. Mr. President, I have no objection to this, if it is practicable for the Turnpike Commission to furnish the information, and I withdraw the objection. I simply objected because I thought it was impossible for them to do so. They will answer if they cannot, and so I withdraw my objection.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, To be submitted to the Secretary of Highways.

TIME OF NEXT MEETING

Mr. GELDER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 15, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday afternoon, May 22, 1939, at two o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week, it reconvene on Monday evening, May 22, 1939, at eight o'clock, Eastern Standard Time.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. LETZLER, from the Committee on Education, reported as committed, Senate Bill No. 416, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by, in such instances, so regulating the discretionary power vested in the Superintendent of Public Instruction, to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments, that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period.

Mr. CAVALCANTE, from the Committee on Appropriations, reported as committed, Senate Bill No. 1022, (House Bill No. 1426), entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. BARTLETT, from the Committee on Appropriations, reported as committed, Senate Bill No. 1020, (House Bill No. 1424), entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. WOODWARD, from the Committee on Appropriations, reported as committed, Senate Bill No. 1019, (House Bill No. 1203), entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

Mr. DEITRICK, from the Committee on Appropriations, reported as committed, Senate Bill No. 1021, (House Bill No. 1425), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

Mr. EALY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS MEMBER OF LOCK HAVEN STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 9, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Lock Haven State Teachers College, for terms of four years and until their successors are qualified:

A. P. Akeley, Coudersport, Potter County, (Reappointment).
M. Ward Fleming, Bellefonte, Centre County.
Dr. W. M. Peirce, Ridgway, Elk County.
Harry C. Smith, Altoona, Blair County.
Harold D. Woolridge, Clearfield, Clearfield County.
Dr. D. W. Thomas, Lock Haven, Clinton County.
George F. Hess, Beech Creek, Clinton County.
Mrs. Helen McEntire, Lock Haven, Clinton County.
Scott R. McKean, Williamsport, Lycoming County.

ARTHUR H. JAMES.

APPOINTMENT AS SECRETARY OF COMMERCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Richard P. Brown, Wayne and Roberts Avenues, Philadelphia, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 15, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. EDMONDS and Mr. EALY that Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY that the Senate do advise and consent to said nomination of Lock Haven State Teachers College?

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,

Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward
Eroe,	Kilgallen,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The PRESIDENT. Will the Senate advice and consent to the nomination of Richard P. Brown for appointment as Secretary of Commerce?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The PRESIDENT. The nominations for Notaries Public were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

A. V. Anderson, East Pittsburgh.
George E. Bechler, Pittsburgh, 440 Oliver Avenue.
Miss Cecelia A. Frost, Pittsburgh, Grant Building.
Miss A. C. Williams, Pittsburgh, 1208 Peoples Bank Building.

DELAWARE COUNTY

Stillman A. Darrel, Upper Darby Twp., 7223 Hazel Ave., Upper Darby.

LACKAWANNA COUNTY

Miss Margaret W. Tague, Scranton.

LEHIGH COUNTY

Frank E. Schaeffer, Emaus.

PHILADELPHIA COUNTY

Joseph Sanicola, Phila., 1135 South 8th Street.
Benjamin E. Sattler, Phila., 506 North 9th Street.
Mrs. Emma K. Sparks, Phila., 423-425 East Girard Ave.

ARTHUR H. JAMES.

The PRESIDENT. Will the Senate advise and consent to the nominations of the Notaries Public?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

RECALLING NOMINATION OF REAPPOINTMENE AS A MEMBER OF THE M RCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on March 20, 1939, for the reappointment of Mrs. Myrtle L. Allen, Sharon, as a member of the Mercer County Board of Assistance.

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Mrs. Minnie Hilderbrand, of Sharon, for appointment as a member of the Mercer County Board of Assistance, until December 31, 1939, and until her successor is duly appointed and qualified, vice Mrs. Myrtle L. Allen, whose nomination has been recalled.

ARTHUR H. JAMES.

BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 1025, entitled:

An Act to amend paragraph (7) of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulatng the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definition of "Contract Carrier by Motor Vehicle."

Which was committed to the Committee on Public Utilities.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 1026, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person agggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," by redefining and adding certain terms; further regulating the manner of making appointments and dismissals of employes; setting up procedure for replacing biased examiners and agents; providing that decisions and findings of the board shall not be subject to change by the Department of Labor and Industry or its agencies; further regulating representatives of employes, and elections; and adopting further measures for the prevention of unfair labor practices.

Which was committed to the Committee on Labor and Industry.

He also read in his place and presented to the Chair Senate Bill No. 1027, entitled:

An Act to amend section four hundred and two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by providing that any employe who leaves his employment because of illness and is refused reinstatement thereto, shall be eligible for compensation.

Which was committed to the Committee on Labor and Industry.

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 1028, entitled:

An Act authorizing the conveyance to the Delaware River Joint Toll Bridge Commission of a certain tract of land in the Borough of Portland, County of Northampton, Pennsylvania.

Which was committed to the Committee on Highways.

Mr. CROWE (by request) read in his place and presented to the Chair Senate Bill No. 1029, entitled:

An Act to repeal the laws relating to the Lake Erie and Ohio River Canal Board of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. WALKER (by request) read in his place and presented to the Chair Senate Bill No. 1030, entitled:

An Act to amend sections four and fourteen of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities, and entities engaged in

the transportation of garbage, and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioner of such counties, and otherwise providing for the administration of the act; and imposing penalties," further providing for the licensing and regulation of garbage disposal plants, amplifying the powers of county commissioners and providing for appeals from the actions of the county commissioners.

Which was committed to the Committee on County Government.

REPORT FROM COMMITTEE

Mr. WOLFENDEN. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN, from the Committee on Insurance, reported as committed, Senate Bill No. 1011, entitled:

An Act to further amend section nineteen of the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," by imposing upon certain fraternal benefit societies, the expenses incurred by the Insurance Department, in making examinations of such societies.

BILL INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 1031, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

Which was committed to the Committee on Public Health.

RESOLUTION NO. 73 CALLED UP

Mr. OWLETT. Mr. President, I desire to call up at this time House Resolution No. 73, Serial No. 108, which was laid on the table last week, as follows:

In the House of Representatives, April 24, 1939.

Whereas, During the 1937 Session of the General Assembly there was passed a new law for the regulation of public utilities known as the Public Utility Law which Act superseded and repealed the Public Service Company Law which has been in effect since January 1, 1914 and

Whereas, A number of provisions of the Public Utility Law of 1937 have been the subject of judicial review and have been held by State or Federal Courts to be unconstitutional as the result of which amendatory legislation was passed at the special session of 1938 designed to correct some of the unconstitutional provisions and

Whereas, Other provisions of this 1937 law are alleged to extend beyond the scope of reasonable and proper regulation of the utilities in that they unduly invade the field of management impose upon utilities the burden of furnishing costly reports or conforming to procedures of doubtful value in the determination of reasonable rates and adequate service retard the development and expansion of utility properties and facilities discourage investment in utility securities and present questions which may involve the Commonwealth and the utilities and indirectly the ratepayers in protracted and costly litigation thereby retarding future reductions in utility rates and

Whereas, The best interests of the Commonwealth the rate payer the utilities and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth require that a careful comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes if any should be made in said law to make it fair just and reasonable in its application to all concerned therefore be it

Resolved (if the Senate concur), That the Attorney General be and is hereby requested to undertake and prosecute a thorough and impartial study of the Public Utility Laws of this and other states ascertain the viewpoints of the Public Utility Commission other regulatory bodies the public the utilities affected and others as to the proper concepts to be applied in the field of utility regulation consider the effect and trend of judicial decisions in the public utility field and the questions involved in pending litigation and ascertain what if any amendments should be made to the Public Utility Law in order to secure adequate proper and sound regulation of utilities in the public interest which will at the same time encourage investment in utility securities and aid in a program of expansion and economic recovery in this Commonwealth

Resolved, That the Attorney General be requested to report the results of his study and investigation of the Public Utility law together with such proposed legislation as he deems proper for consideration to the next Regular Session of the General Assembly

Mr. OWLETT. Mr. President, I move immediate adoption of House Resolution No. 73.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. JASPAN. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The remarks of the Senator from Philadelphia, Mr. Jaspan will be noted in the Journal.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 268

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 12, 1939.

Resolved (if the House of Representatives concur), That Senate Bill No. 268 (Printer's No. 56), entitled:

An Act to amend paragraph (c) of section four hundred nine paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business by prescribing, defining, and limiting their duties, pow-

ers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossing of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 443

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 12, 1939.

Resolved (if the House of Representatives concur), That Senate Bill No. 433 (Printer's No. 62), entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

be recalled from the Governor for the purpose of amendment.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 226, on third reading Calendar, postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 226, entitled:

An Act abolishing the Oil Industry Investigation Commission terminating the terms of its members and lapsing the unobligated balance of any appropriation made therefor.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McGINNIS. Mr. President, this bill abolishes the oil industry investigation commission. I understood that this bill was not to be pressed at this time.

Mr. President, I desire to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Very gladly, Mr. President.

Mr. McGINNIS. Mr. President, is not the statement I just made correct?

Mr. EDMONDS. No, sir. Mr. President, when the bill first came up on the Calendar I agreed that it go over in its order for two weeks and that time was up last Wednesday. Then I spoke to the Senator from Allegheny, Mr. McGinnis, last week and he said let us call it up this week. If there is any particular reason the Senator has in mind—if it is urgent—but my feeling is this matter should be settled.

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SHAPIRO. Mr. President, is the gentleman from Montgomery insisting upon action on this bill tonight?

Mr. EDMONDS. No, Mr. President, but I am asking for some reason why it should not be acted on.

Mr. SHAPIRO. Then, Mr. President, this bill has not been called up at the request of the Senator from Montgomery?

Mr. EDMONDS. No, Mr. President, the gentleman from Fayette called up the bill.

Mr. SHAPIRO. Mr. President, I just wanted to be sure it was not called at the request of the Senator from Montgomery.

Mr. EDMONDS. No, Mr. President, it was not.

Mr. McGINNIS. Mr. President, the present commission is about ready to make a report. We have been working on this for several weeks, and as is well known, the old

commission was upset by the court and the present commission was established or authorized for the purpose of finishing the work; or at least reporting on the testimony and information that had been discovered.

Here is an industry that concerns every family in the United States, every family in Pennsylvania, especially oil and gasoline. Nowadays they are a necessity the same as electricity and coal and therefore just as vital if not more so than either of those subjects.

The investigation shows that the producers of oil in Pennsylvania are losing money. It also shows that the retail dealers of gasoline are starving. It also shows that the user of gasoline in Pittsburgh, say, is paying eight dollars a year more for gasoline than the people in Philadelphia; and from the testimony adduced there is absolutely no reason why gasoline in the Western part of this state should be higher than gasoline in the Eastern part.

One of the oil associations stated that six thousand wells in Butler, Lawrence and Armstrong counties are about to be closed and shut down, and if those wells are ever shut down, according to the testimony, they probably will never be opened again or used.

The investigation showed that for the past fifteen years perhaps one, maybe two companies, have set the price of oil in Pennsylvania, and also the price of gasoline. It was done without rhyme or reason. No testimony can be produced or was produced to give any reason for these changed prices. Now, of course, we do know that prices in the long run are determined by supply and demand, but here in Pennsylvania the price of oil has been fixed by one or two companies just posting the price, and you can see if they post a price this month and load up with oil and drop the price the next month, what the effect will be.

I can see no harm in this commission continuing. I want to assure everybody on this floor this is not a muck-raking commission. The report that we have got ready does not mention a single name; it does not hold up any person or company up to ridicule; it is not a muck-raking commission. But I do feel that an industry of such importance to the State of Pennsylvania, when the producers are in distress, when they go down into the earth and bring this oil to the surface, and then are losing money—and then the little dealers that work long hours at those retail stations are near starvation—those who have manipulated the gasoline business in this State do not hire men any more to retail their gasoline—they lease. If they own property or stations they lease them to somebody. The little retailer is at their mercy. They furnish certain little retailers equipment, others they do not, and then we have these retail gasoline wars.

Last week there was a delegation here from Pittsburgh; and one man said he lost a hundred thousand dollars in the last year; another man said he had three stations and was losing nine dollars a day on each station—they were in a desperate situation—and here we have been engaged for months on legislation—many of the bills very trivial, and yet here is an industry that concerns the State of Pennsylvania, as I think, more than any industry in the State; it affects more people, and it is in a bad way.

As I said before, the producers are losing money and the little retailers are starving, working long hours, and no industry can exist half slave and half free.

I feel that there can be no harm in at least letting this commission continue until it gets out its report, which I think will be perhaps by the end of this week; and then, if we are unable to have the report out this week, we surely will next week; and I can see no harm, then in allowing this commission to go on, even during the vacation.

We have a secretary, Dr. Ross, from the University of Carnegie College, who is familiar with the testimony. There has been a W. P. A. project on this investigation that has furnished a wealth of information. We have many files and cases filled with information, and it does seem to me there would be no harm to anyone to let this commission go on during the recess; perhaps not spending any money, but at least gathering this information together, have Dr. Ross boil it down and receive complaints from the industry itself.

I might state that the industry itself is not satisfied. Men in the oil business are not satisfied. They would like to see a new agreement. I introduced a bill here a couple of weeks ago establishing a permanent commission, with advisory powers given to the industry itself—if the industry could submit to the commission rules of fair practice that they would devise themselves.

In other words, this is the first time, I think, any bill was ever offered in this State to industry to correct its own troubles.

Another thing, no five men on a commission could manage the business or direct the oil business. It is an intricate business, and they have their troubles, but I feel the bill I offered would allow the sick industry to formulate rules itself, and submit those rules to the commission, and the commission cooperate to help to put its own house in order.

Mr. REED. Mr. President, I read with a very great deal of interest the preliminary report of Dr. Ross, and as this report deals with one of the basic commodities of Pennsylvania, and particularly the western part of Pennsylvania, I agree with the Senator from Allegheny, Mr. McGinnis, that a few days or a few more weeks will make no difference; and I particularly am very much interested in seeing the final report, and I sincerely hope that the gentleman from Fayette will permit this bill to go over in its order—at least until the committee has sufficient time to make its final report, which should not take, as I understand it, very many more days.

Mr. CAVALCANTE. Mr. President, I do not want to do anything that will prevent this commission from making its report. However, I think I speak the minds of many members of this Senate that we do not intend to sit here all summer in order to get that report. Since we, most of the members of the Assembly, are anxious to adjourn very shortly, and this bill, being a Senate bill, requires action by the House, I shall at this time move that this bill go over in order.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 226 go over in its order until Monday night at nine o'clock. That gives this commission another week's time within which to submit its report.

Mr. REED. Mr. President, I second the motion.

The PRESIDENT. It has been moved by the Senator from Fayette, Mr. Cavalcante, and seconded by the Senator from Washington, Mr. Reed, that Senate Bill No. 226 go

over in its order until next Monday evening, May 22, 1939, at nine o'clock P. M. Is there objection?

Mr. OWLETT. Mr. President, I do not like to object to a motion that has in view the giving of an opportunity of making a report. However, this matter has been in the hands of this committee some three weeks, and this bill has been placed on the postponed calendar for the purpose of receiving this information.

This is a Senate bill and if it goes over until next Monday at nine o'clock it might mean the final defeat of this bill; and I ask if the Senator will not amend the motion to read until Tuesday morning. I understand the report is prepared and it is merely a matter of arranging for the mimeographing of it.

Mr. CAVALCANTE. Mr. President, suppose we make it Thursday, let it go over until Thursday of this week.

Mr. OWLETT. Very well, Mr. President, if the Senator from Fayette, Mr. Cavalcante, will amend his motion.

AMENDS MOTION THAT SENATE BILL 226 GO OVER IN ITS ORDER

Mr. CAVALCANTE. Mr. President, I amend my motion. I move that this bill go over in its order, at the head of the calendar, until Thursday of this week.

The PRESIDENT. At what time on Thursday?

Mr. CAVALCANTE. Mr. President, we do not know when we are going to adjourn.

The PRESIDENT. Suppose you make it a special order of business for three o'clock, daylight saving time.

Mr. CAVALCANTE. That will be satisfactory, Mr. President.

Mr. McGINNIS. Mr. President, I do not quite understand why it is necessary to pass this bill at all—not only next Thursday but next Monday. I say to you here is a commission that has information that was gathered over seven or eight months of hearings and testimony all over this State, and why it is necessary or desirable to abolish that commission when it has all the information the people of Pennsylvania want and that they ought to know about.

The commission costs the State of Pennsylvania, the taxpayers, about $40,000, to gather this information, and because it was so vital to the people of Pennsylvania I cannot for the life of me see why this commission should be abolished. Of course, if it is the desire to abolish this commission and then have the thing quieted, if it is the desire to let the people forget what we have learned—as I said before this is not a muck-raking commission, it is a commission that I feel dealt fairly with this proposition. One of the members was a brilliant lawyer, and another was Judge Smith of the Common Pleas Court of Pittsburgh, and it seems to me this information is so valuable and so concerns, I might say, every individual in Pennsylvania that there certainly can be no harm if the commission is allowed to continue and at least, if they do nothing more until the next session, they should be allowed to receive complaints and analyse the testimony that has already been adduced.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the motions were coincidental. A motion to go over in order has to be a separate motion—both those motions should not be joined in one, they are coincidental.

The PRESIDENT. The Chair understands the Senator from Fayette, Mr. Cavalcante, withdrew the first motion.

Mr. CAVALCANTE. That is correct, Mr. President.

Mr. OWLETT. Mr. President, a moment ago, after consultation, the Senator from Montgomery, Mr. Edmonds, consented that this bill might go over in its order until Thursday. I am inclined to suggest to my colleagues, in view of the statement of the Senator from Allegheny, Mr. McGinnis, that this bill had better be acted upon tonight.

It is very apparent that the claim of the necessity of time for making a report has in mind only the killing of this bill, and it seems to me that it might be better to dispose of it tonight than to delay any longer.

They have had three or four weeks in which to make a report, and I am not terribly impressed by the statement of my good friend from Allegheny, Mr. McGinnis, when he speaks of how interested he is in the oil business, because I recall on April 25th when the independent oil dealers had a bill up that they said meant life and death to them the Senator from Allegheny, Mr. McGinnis, who should have known all about the oil industry, voted "no" on this bill.

I would like to suggest to the Senator from Fayette, Mr. Cavalcante, that he withdraw the motion and let us dispose of this bill at this time. It has been called up and I think we all know about it. If they have the report ready they can put it in now and it will not be in any way interfered with by the passage of this legislation, which has been on our calendar now for four weeks.

Mr. CAVALCANTE. Mr. President, I do not want to be arbitrary in this matter, and I am willing to do anything that is reasonable, and at this time I, in justice, think that we ought to sustain the motion that I made; we ought to make this a special order of business for next Thursday, because that would give the commission three more days here, and it will give the House sufficient time to pass the bill before we adjourn, assuming that we want to adjourn on May the 26th. I do not want to do anything that would keep us from receiving this report, if they want to put it in.

Mr. SIPE. Mr. President, I can see no good reason why there should be extreme haste in passing this bill, and thereby killing a commission which is certainly performing a very valuable service to Pennsylvania, and giving, or at least, having the opportunity to give some very interesting information to the people of Pennsylvania.

I happen to come from a section where there are hundreds, almost thousands, of oil wells. I know hundreds of the oil producers of my counties, especially Butler County, and they are all united in telling me that they are producing oil at a loss.

Then, too, a good many of those producers have the same experience that I have every week I come down to Harrisburg, that is, I buy gasoline here at Harrisburg at from four to five cents a gallon cheaper than I do back at home, where the oil is taken out of the ground; and I belong to that group of Pennsylvanians who would like to know why it is that we in Western Pennsylvania,

where the oil is produced, have to pay from four to five cents more for gasoline than the gentlemen do down here in the central and eastern part of the State, where we, at the same time, are informed that the transportation costs of gasoline from the eastern part of the State to the western part of the state is less than one cent a gallon.

So, in order that we may have some of these things cleared up for us, I think it will do no harm to give a few days of life to this commission in order that it may make its report.

Mr. EDMONDS. Mr. President, may I make an inquiry of the gentleman from Tioga, Mr. Owlett?

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. EDMONDS. Mr. President, I would like to inquire as to whether, under the rules of the Senate, if this bill passes the Senate tonight, is there anything to interfere with the committee presenting its report later in the session? I mean, a committee authorized by the Senate can report at any time, can it not?

Mr. OWLETT. Mr. President, in reply to the inquiry of the Senator from Montgomery, Mr. Edmonds, I would state first, this bill cannot possibly pass the House until next week or the latter part of this week; and it then has to be signed by the Governor; and until the bill has passed both houses and is signed by the Governor, it is still a law. Therefore, the committee can make its report any time this week.

Mr. DENT. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. DENT. Mr. President, I would like to ask the gentleman from Tioga, Mr. Owlett, whether this will save the Commonwealth any money?

Mr. OWLETT. Mr. President, in reply to the inquiry of the gentleman from Westmoreland, Mr. Dent, I do not know how much money the commission has left; but, if they have not spent all the money, and if we abolish the committee now, it will go back to the State, and thus money will be saved.

Mr. DENT. Mr. President, if they have spent a great deal of money to get this information, and then they do not make a report I do not see how we, as members of this Senate, can justify our position in abolishing this particular commission before it makes a report. It may be able in a week or it may not; it may not be able to make its report by the time the bill is signed by the Governor, and then all the money spent will be wasted. I do not believe the commission should be abolished. They are not doing anything wrong; they are only following the law which created them, and if they are not doing what is right let us get rid of the members and put in new members, but I do not believe it is fair to abolish a commission that has not sent in a report.

Mr. OWLETT. Mr. President, in view of the fact that the Senator from Fayette, Mr. Cavalcante, has asked that the bill go over until Thursday; and, in view of the fact that we have a long calendar, I will withdraw my objection to its going over until Thursday, if it will be acted on finally on Thursday.

The PRESIDENT. The motion of the Senator from Fayette, Mr. Cavalcante, is that the bill go over in its order until Thursday, and that it be made a special order of business at two p. m., Eastern Standard Time, on Thursday, May 18th.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 288, (House Bill No. 474), on third reading, postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 288, (House Bill No. 474), entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 288 (HOUSE NO. 474)

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections two and one of the bill were severally reconsidered.

The first section of the bill was read as follows:

Section 1 Section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by section one of the act approved the fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1602) is hereby further amended to read as follows

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies the Speaker of the House of Representatives and the President pro tempore of the Senate and their respective successors in office and three citizens of Pennsylvania one to be appointed by the Governor one by the Speaker of the House of Representatives and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members The term of the member appointed by the Governor shall expire with the term of the Governor appointing him The terms of the two other appointed members shall expire on the first Tuesday of January of the odd-numbered year following the date of his appointment Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor Speaker of the House of Representatives or President pro tempore of the Senate as the case may be

In the case of each appointed member now serving where the term of office of the officer who appointed him has already expired the term of office of such appointed member is hereby terminated as of the effective date of these amendments

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 1 (section 3), page 3, line 27 by striking out after the word "of" and before the word "appointment", with boldface brackets, the word: S "[his]" and inserting in lieu thereof the word: (with underscoring) "their"; S amend section 1 (section 3), page 4 by striking out, with boldface brackets, lines 3 to 7, inclusive; amend page 4 by inserting between lines 7 and 8 the following new section: S "Section 2 In the case of each appointed member now serving where the term of office of the officer who appointed him has already expired the term of office of such appointed member shall expire and is hereby terminated as of the first day of June one thousand nine hundred thirty-nine."

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 2, page 4, line 8 by striking out after the word "Section" and before the word "This" the figure: S "[2]" and inserting in lieu thereof the figure: "3".

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with Government of the United States or any Federal agency; and authorizing the Department of Property and Supulies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing terms for the appointed members of the General State Authority, and terminating the terms of present members.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 267, (House Bill No. 449), on third reading, postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 267, (House Bill No. 449), entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public

Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commision of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that the bill just read, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECONSIDERATION OF SENATE BILL No. 768 (HOUSE BILL No. 771)

Mr. WOLFENDEN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 768, (House Bill No. 771), entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made and by adding thereto provisions preserving the lien of chattel mortgages against bailment leases and conditional sale agreements under certain conditions and providing for the filing indexing and docketing of such chattel mortgages in lieu of recordation and providing additional methods for foreclosure of such chattel mortgages.

was defeated on May 11, 1939.

The PRESIDENT. How did the Senator vote?

Mr. WOLFENDEN. Mr. President, I voted "no."

Mr. CHAPMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CHAPMAN. Mr. President, I voted "no."

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Cavalcante, and were as follows, viz:

YEAS—35

Bartlett,	Eroe,	Letzler,	Shapiro,
Chapman,	Farrell,	Mallery,	Snowden,
Crowe,	Frey,	McGinnis,	Stevenson,
Dando	Gelder,	Miller,	Tallman,
Deitrick,	Geltz,	Mundy,	Thomas,
Dent,	Gilson,	Owlett,	Walker,
DiSilvestro,	Heyburn,	Rice,	Wolfenden,
Ealy,	Homsher,	Ruth,	Woodward,
Edmonds,	James,	Scarlett,	

NAYS—12

Cavalcante,	Jacobs,	Kunkel,	Reed,
Coleman,	Jaspan,	Lanius,	Sipe,
Haluska,	Kilgallen,	McCreesh,	Stiefel,

So the question was determined in the affirmative.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Eroe,	Letzler,	Scarlett,
Chapman,	Farrell,	Mallery,	Shapiro,
Coleman,	Frey,	McCreesh,	Sipe,
Crowe,	Gelder,	McGinnis,	Snowden,
Dando,	Geltz,	Miller,	Stevenson,
Deitrick,	Gilson,	Mundy,	Thomas,
Dent,	Heyburn,	Owlett,	Walker,
DiSilvestro,	Homsher,	Rice,	Wolfenden,
Ealy,	James,	Ruth,	Woodward,
Edmonds,	Kunkel,		

NAYS—9

Cavalcante,	Jaspan,	Lanius,	Stiefel,
Haluska,	Kilgallen,	Reed,	Tallman,
Jacobs,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 291, (House Bill No. 342), as follows:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance by courts having criminal jurisdiction of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for non-compliance therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations

of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended by adding thereto after section one thousand eleven a new section to be known as section one thousand eleven and one-tenth and to read as follows

Section 1011.1 Subpoena to Foreign Corporations to [Produce Records Service Any court having criminal jurisdiction in any county of the Commonwealth] may issue its subpoena with clause of duces tecum upon any foreign corporation registered to do business within the Commonwealth under this act directing such foreign corporation its proper officers agents or employes to produce before such court having jurisdiction any books papers records or documents in the possession of such foreign corporation as shall be designated in such subpoena Such subpoena with clause of duces tecum may be served upon such foreign corporation in the manner provided by this act for the service of process upon foreign corporations

Section 2 Section one thousand thirteen of the said act as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2828) is hereby further amended to read as follows

Section 1013 Revocation of Certificate of Authority Whenever the Department of State shall find that a foreign business corporation authorized by a certificate of authority to do business in this Commonwealth is engaged in this Commonwealth in any business which it is not authorized to transact by its certificate of authority or by any amended certificate of authority or has changed its name without first securing an amended certificate of authority as required by this act or has changed the location of its registered office without filing a statement with the Department of State as required by this act or has failed negelected and refused to appear by its proper officer agents or employes or otherwise comply with any subpoena issued by any court having jurisdiction in the subject matter or to produce such books papers records or documents as required by any such subpoena or is violating any of the laws of this Commonwealth the Department of State shall give notice by registered mail to such corporation that such default exists and that its certificate of authority including any amendments thereto will be revoked and cancelled unless such default shall be cured within thirty days after the mailing of such notice If such default shall not be cured within such period of thirty days the Department of State shall revoke and cancel the certificate of authority of such foreign corporation including any amendments thereto Upon revoking and cancelling any such certificate of authority the Department of State shall mail to such corporation at its registered office in this Commonwealth a certificate of revocation Upon the issuance of such certificate of revocation the authority of the corporation to transact business in this Commonwealth shall cease and such corporation shall not thereafter transact any business in this Commonwealth unless it applies for and receives a new certificate of authority

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Gelder,	Lanius,	Scarlett,
Cavalcante,	Geltz,	Letzler,	Shapiro,
Chapman,	Gilson,	Mallery,	Sipe,
Crowe,	Haluska,	McCreesh,	Snowden,
Deitrick,	Heyburn,	McGinnis,	Stevenson,
Dent,	Homsher,	Miller,	Stiefel,
DiSilvestro,	Jacobs,	Mundy,	Tallman,
Ealy,	James,	Owlett,	Thomas,
Edmonds,	Jaspan,	Reed,	Walker,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Farrell,	Kunkel,	Ruth,	Woodward,
Frey,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 376, (House Bill No. 74), as follows:

An Act to amend section two hundred and seventy-eight and section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of couny detectives in counties of the fifth class and increasing the compensation of detectives in counties of the sixth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and seventy-eight of the act approved te second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 941) is hereby further amended to read as follows

Section 278 In Counties of the Fifth Class In counties of the fifth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective and one assistant county detective and in counties of the sixth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective

The court of quarter sessions shall fix the compensation of the county detectives and shall direct the clerk of said court to certify the same to the county commissioners who shall draw their warrants on the treasurer in favor of said detectives for the amount so certified

Such county detectives shall hold their positions during the term of the district attorney appointing them and shall be removable at his discretion They shall have possess and exercise all the rights and powers conferred by law upon constables in so far as such law or laws relate to crimes and criminal procedure and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case They shall also perform such other duties as the district attorney may direct Such county detectives shall be allowed their expenses actually and necessarily incurred in the performance of their duties

Section two hundred and eighty of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 280 In Counties of the Sixth Class In all counties of the sixth class the district attorney shall have power to appoint with the approval of the president judge of the court of common pleas of such county one county detective at an annual salary not to exceed four thousand ($4,000) to be fixed by the salary board in counties where there is a salary board and in other counties by the district attorney with the approval of the president judge of said court Such detective shall also receive his actual and necessary expenses incurred in the performance of his duties The salary and expenses of such detective shall be paid out of the county treasury in the usual manner

The county detective herein provided for shall hold his position during the term of the district attorney appointing him and shall be removable at his pleasure He shall have possess and exercise all the rights and powers conferred by existing laws upon constables so far as such laws relate to crimes and criminal procedure and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case He shall also perform such other duties as the district attorney may direct Provided however That nothing herein contained shall prevent the employment of one or more detectives for special purposes as now provided by law

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Crowe,	Geltz,	Mallery,	Sipe,
Dando,	Gilson,	McCreesh,	Snowden,
Deitrick,	Haluska,	McGinnis,	Stevenson,
Dent,	Heyburn,	Miller,	Tallman,
DiSilvestro,	Homsher,	Mundy,	Thomas,
Ealy,	James,	Owlett,	Walker,
Edmonds,	Jaspan,	Rice,	Wolfenden,
Eroe,	Kilgallen,	Ruth,	Woodward,
Farrell,	Kunkel,		

NAYS—4

Cavalcante,	Jacobs,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 474, on final passage, entitled:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 842, on final passage, entitled:

An Act to repeal section three hundred and two of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties"

be recommitted to the Committee on Labor and Industry for the purpose of further study.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 929, on final passage, entitled:

An Act to further amend sections one thousand two hundred one, one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by defining professional employes, substitutes and temporary employes and further regulating the employment, dismissal, suspension, demotion and retirement of such employes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 47, on third reading, entitled:

An Act to amend section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons public cared for or assisted providing for the support of such persons by certain relatives and for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such persons.

be recommitted to the Committee on Welfare, Public Assistance and Pensions, for the purpose of further study.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HALUSKA. Mr. President, will the Senator from Tioga state his reason for moving that this bill be recommitted?

Mr. OWLETT. Very gladly, Mr. President. There is a bill in the House which has been drawn by the Department of Public Assistance, which conforms with the thought set forth in the resolution just passed by this Senate.

This bill No. 47 is not in conformacy with the policy or the program of the Department of Public Assistance, and we think that it should be recommitted to the Committee on Welfare, Public Assistance and Pensions.

Mr. HALUSKA. Mr. President, as I understand it, unless bills have the stamp of approval of some department head, they must go back in committee. I have been waiting a long time to find that out, and I have wondered why certain bills have been kept in committee and others were not. I have the answer now.

This bill was introduced early in this session, I believe in the first month of the session. I think it one of the most important bills on the calendar; it pertains to the properties of indigent persons. Under the present laws any person reaching the age of seventy and applies for a pension, if he or she has acquired any property throughout their lives they must first assign this property to the government for repayment of any money they receive. The drone of society, the person that has nothing, never cared for anything, can walk up and demand and receive old age assistance; but the persons that have built our communities, our schools, our Commonwealth—and because he or she has been aggressive we are telling them, because he has a little property he must assign this property to the Government for the repayment of any assistance he might receive.

I think it is unAmerican, and undemocratic, and I think this bill should eliminate that condition, give to that person who has been aggressive the privilege of keeping that property after death, to hand it down to his family.

I maintain that if this government has arrived at this conclusion, where it must depend upon the property of those aged persons, we certainly have gone far afield—God bless this Commonwealth.

I trust that my colleagues will uphold me and keep this bill from going back to committee. I object to the motion, and I ask for a roll call.

Mr. DENT. Mr. President, I am co-sponsor of this Act, and I was co-sponsor in 1937 and also in 1935 of similar acts. I was told at that time that the bill could not be passed because of constitutional limitations. The people of this Commonwealth passed a constitutional amendment in 1937 specifically designed so that persons receiving old age assistance and mother's assistance, and the like, could receive that assistance without signing away whatever small properties they may have accumulated in their life time.

If the majority of the people in this Commonwealth decided that was a fair proposition, that a person who had accumulated a small estate was entitled to keep it, then I believe it is the duty of this Senate to pass enabling legislation in order that they can receive such assistance. The move to send this bill back to committee is nothing but a move to kill it; it is similar to the action taken last week when the bond question came up. Any action taken tonight on these lines must react against persons receiving ordinary relief. I believe a vote to send this back to committee is a vote against a person receiving old age assistance and mother's assistance in Pennsylvania; and so I am going to ask the Senate to vote to keep this bill on the calendar, and against the motion to send it back to committee.

A roll call was demanded by the Senator from Westmoreland, Mr. Dent, and the Senator from Cambria, Mr. Haluska; and upon a request by the Senator from Cambria, Mr. Haluska, for a verification of the roll, the affirmative vote was read by the clerk as follows:

Messrs. Bartlett, Chapman, Crowe, Dando, Deitrick, Ealy, Edmonds, Eroe, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Owlett, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, and Woodward.

The PRESIDENT. Are there any corrections to the affirmative roll? The Chair hears none.

The affirmative vote will stand as verified.

The negative roll was read by the clerk as follows: Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Frey, Gilson, Haluska, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Sipe, and Stiefel.

The PRESIDENT. Are there any corrections to the negative roll? The Chair hears none.

The negative vote will stand as verified.

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward.
Edmonds,	James,		

NAYS—20

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,

So the question was determined in the affirmative.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 168, on third reading, entitled:

An Act to amend paragraph six of section two and paragraph four of section five of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws five hundred fifty-one) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 236, (House Bill No. 239), entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Gelder,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Heyburn,	Miller,	Stiefel,
Deitrick,	Homsher,	Mundy,	Tallman,
Ealy,	James,	Owlett,	Thomas,
Edmonds,	Kilgallen,	Rice,	Walker,
Erce,	Kunkel,	Ruth,	Wolfenden,
Farrell,	Lanius,	Scarlett,	Woodward,
Frey,	Letzler,	Shapiro,	

NAYS—6

Cavalcante,	DiSilvestro,	Jaspan,	Reed,
Dent,	Haluska,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. JAMES. Mr. President, I ask unanimous consent that Senate Bill No. 251, (House Bill No. 140), on third reading, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (P. L. 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in suburban and similar districts in all cities and boroughs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 253, on third reading, entitled:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" increasing share of full-time teachers' salaries to be paid by Commonwealth.

be recommitted to the Committee on Education for the purpose of amendment.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 311, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring funding and refunding of indebtedness temporary and permanent the issuing of bonds by school districts the retirement of indebtedness and the borrowing in anticipation of current revenues.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent to amend Sec. 4 (Sec. 508.1), page 15, line 23, by striking out the following; S "SC ["; amend Sec. 4 (Sec. 508.1), page 15, line 24, by striking out: S the dark-face bracket after the word "Affairs".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 366, entitled:

An Act to further amend section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a

banking business, with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Farrell,	Kunkel,	Scarlett,
Chapman,	Frey,	Lanius,	Shapiro,
Coleman,	Gelder,	Letzler,	Snowden,
Crowe,	Geltz,	Mallery,	Stevenson,
Dando,	Gilson,	McCreesh,	Stiefel,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Homsher,	Miller,	Thomas,
DiSilvestro,	James,	Mundy,	Walker,
Ealy,	Jaspan,	Owlett,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,			

NAYS—2

Cavalcante,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordred, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 382, (House Bill No. 345), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United State or a corporation authorized to hold such real estate.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Farrell,	Kunkel,	Scarlett,
Chapman,	Frey,	Lanius,	Shapiro,
Coleman,	Gelder,	Letzler,	Sipe,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	McGinnis,	Stiefel,
DiSilvestro,	Homsher,	Miller,	Tallman,
Ealy,	James,	Mundy,	Thomas,
Edmonds,	Jaspan,	Owlett,	Walker,
Eroe,	Kilgallen,	Ruth,	Wolfenden,
			Woodward,

NAYS—3

Cavalcante,	Dent,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 383, (House Bill No. 346), entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to call to the attention of those who are interested in this bill and the next bill Senate Bill No. 383, (House Bill No. 346), that they are both validating acts and of course should require that they become immediately effective. Neither of these acts have an effective date and therefore will not become effective until September. I suggested that those persons who are interested see to it that the House properly amends the bills.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Deitrick,	Haluska,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	James,	Owlett,	Thomas,
Ealy,	Jaspan,	Rice,	Walker,
Edmonds,	Kilgallen,	Ruth,	Wolfenden,
Eroe,	Kunkel,	Scarlett,	Woodward,
Farrell,	Lanius,		

NAYS—2

Cavalcante,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act approved the fourth day of June one htousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission con-

ferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 426, (House Bill No. 250), on third reading, entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by further extending the time for present employes as defined in the act to elect to be covered by the retirement system.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 448, (House Bill No. 394), on third reading, entitled:

An Act to further amend section one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" by extending the provisions of said act to cities of the second class A.

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that Senate Bill No. 504, on third reading, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court the judges thereof to consist of the retired judges of the Supreme Superior Common Pleas and Orphans' Courts and to perform auxiliary judicial services in the several courts of the Commonwealth and providing for their necessary expenses and for the continuation of their retirement pay while performing such services.

be recommitted to the Committee on Judiciary General by the direction of the Republican Caucus.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 522, (House Bill No. 538), entitled:

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (P. L. 13) entitled "An act in relation to abandonment of portions of railroads."

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, is there anyone in this room who can enlighten the members of the Senate as to the purpose of this bill?

Mr. OWLETT. Mr. President, I was in a meeting of the Committee on Public Utilities, when this bill was considered, and on looking up the Act which this bill repealed, we found that it provides that any railroad that does not run a train over its tracks for a year thereby automatically abandons the railroad.

Mr. SHAPIRO. Mr. President, the term is six months.

Mr. OWLETT. That is right, Mr. President, six months. It is obvious, in view of the present railroad situation, that this is an improper provision. I think that Act should be repealed.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, while I agree with the gentleman that six months may be a short period of time at this time, the effect of this Act will mean that a railroad can fail to run a train over its tracks for five years and still have a franchise. Does not the Senator from Tioga, Mr. Owlett, think that rather than repeal the Act it should be amended?

Mr. OWLETT. Mr. President, in reply to the inquiry of the Senator from Philadelphia, Mr. Shapiro, I wish to call to his attention the fact that the railroads are under the control of the Public Utility Commission and the Interstate Commerce Commission, which amply protects the public in the operation and disuse of railroads. I understand some problems have arisen due to this old Act, which apparently have been disregarded in recent years. They are many roads that are coal roads or logging roads which will not be operated for six months, and I think this can all be controlled by the Public Utility Commission and the Interstate Commerce Commission.

Mr. SHAPIRO. Mr. President, it may be that the Interstate Commerce Commission can control a railroad that runs interstate, but not those that run intrastate. I do not think the Act ought to be repealed. I think this law will enable the railroads to keep their franchises without operating them; and there is nothing the Public Utility Commission can do about it, and as a matter of fact if we keep on with amendments to the Public Utility Act there will not be any Public Utility Commission necessary in the next three or four weeks.

I am not asking my colleagues to vote "no" on this bill, and in order to avoid that I think it would be much

better to amend the present law and give the railroads a reasonable length of time to take care of existing conditions, but certainly not a bill of health for a number of years.

Mr. OWLETT. Mr. President, I submit this does not give the railroads a bill of health for any number of years, and I think the bill should be passed.

On the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. It will be so recorded.

Mr. LETZLER. Mr. President, I desire to be recorded as voting "aye."

The PRESIDENT. It will be so recorded.

Mr. DiSILVESTRO. Mr. President, having voted under a misrepresentation I desire to change my vote from "aye" to "no."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Eroe,	Lanius,	Snowden,
Cavalcante,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	Mallery,	Tallman,
Crowe,	Geltz,	Miller,	Thomas,
Deitrick,	Gilson,	Owlett,	Walker,
Dent,	Heyburn,	Reed,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

NAYS—16

Coleman,	Haluska,	McCreesh,	Ruth,
Dando,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Rice,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I should like to interrogate my colleague, Dr. Woodward, the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. SHAPIRO. Mr. President, the next bill on the Calendar is Senate Bill No. 539. I know it has not been called up yet, but I want to interrogate my colleague, Dr. Woodward, before it is called up. I would like to ask him, Mr. President, is it not true that this is the bill we had in the Senate in 1937, and which was defeated, and also I think, 1935, and then if it is, will the Senator explain for the information of the Senate the purpose of this bill.

Mr. WOODWARD. Mr. President, this bill has been in the Senate for about a hundred years.

Mr. SHAPIRO. A hundred years, Mr. President?

Mr. WOODWARD. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, that is before my time, I think the Senator will admit that.

Mr. WOODWARD. Mr. President, this bill is what might be called an anchor to windward. Many years ago we had a mayor in Philadelphia who said he was not there for his health. He locked his office and refused a check for a million dollars, written by John Wanamaker, for the franchises he was giving away to the traction company for 999 years.

Now, then, in the event that the PRT is sued by any one of the underliers, there is a pyramid of underliers, about sixty of them, any one of those underliers that attempts to run the traction system and does not do it well can be taken into court, and the people may recover the franchises which they gave away for 999 years. Therefor it is a very good bill—anyway I call it an anchor to windward.

Mr. SHAPIRO. Mr. President, that is wishful thinking.

Mr. WOODWARD. Perhaps it is, Mr. President; I call it an anchor to windward.

Mr. SHAPIRO. Mr. President, this bill has been lying around here too long, if it has been here a hundred years, and I am going to ask my colleagues to vote for it, to get rid of it.

Mr. REED. Mr. President, what was that mayor's name.

Mr. WOODWARD. Mr. President, I do not like to give his name.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 539, entitled:

An Act relating to proceedings for the forfeiture of rights privileges or franchises of corporations making claim against street railway traction or motor power companies in certain cases and providing for the disposition of rights privileges or franchises forfeited and for contracts relating thereto

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, before the vote is counted I should like to injuire whether this bill we are voting on, Senate Bill No. 539, is Printer's No. 242, or whether the next bill, Senate Bill No. 570, is Printer's 242. Both bills on the calendar are numbered Printer's number 242.

The PRESIDENT. In answer to the Senator's inquiry the Chair states that both bills on the Calendar show Printer's No. 242. One of them is in error.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Eroe,			

NAYS—1

Jaspan,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO RECONSIDER SENATE No. 448

Mr. COLEMAN. Mr. President, I move the vote by which Senate Bill No. 448, on page 6 of today's third reading calendar, House Bill No. 394, was recommitted to the Committee on Municipal Government, be reconsidered.

Th PRESIDENT. How did the Senator vote?

Mr. COLEMAN. Mr. President, I voted "aye."

Mr. JASPAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. JASPAN. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I ask that the motion be voted down. This bill has been recommitted to the Committee on Municipal Government for the purpose of further study and amendment.

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. COLEMAN. Mr. President, I desire to ask the Senator from Tioga the purpose of recommitting that bill.

Mr. OWLETT. Mr. President, this bill provides for the amendment of an act which has to do with the licensing of plumbers in cities and boroughs, and it was designed to extend the provisions of that act to cities of the second class A. This legislature, however, some little time ago, repealed the part of the Act that has to do with boroughs; and in this Act it is feared it will have the effect of reinstating the Act heretofore repealed by this section. Therefore, we desired to recommit this bill to the Committee on Municipal Government for the purpose of amendment and further study, to be sure that we do not reinstate the plumber's, as applicable to boroughs, by passage of this Act.

Mr. COLEMAN. Mr. President, I ask my colleagues in the Senate to vote against recommitting this bill. I am just a little bit fearful this bill will meet the same fate as other bills affecting only the City of Scranton, that is death by strangulation, in committee.

This bill was introduced by a Republican House member at the request of the people of Scranton, and affects only the people of Scranton; therefore I see no reason why there should be opposition on the part of the Republican floor leader, and I ask my colleagues to support my motion to reconsider the vote by which this bill was recommitted to the Committee on Municipal Government.

Mr. SHAPIRO. Mr. President, I should like to say for the benefit of the Senator from Lackawanna, Mr. Coleman, that I was in Committee at the time this bill came up and the gentleman from Tioga, Mr. Owlett, raised that question, and after we discussed the matter we came to the conclusion that this bill did not have the effect of repealing the Act which we passed. Now I am informed there is some question as to whether or not the bill does and it is my recommendation that we look into it and see. I have the assurance of the members of that committee that this is not an attempt to strangle the bill but merely an attempt to see that we are sure. I suggest to the gentleman from Lackawanna, Mr. Coleman, as a member of that committee that I will see to it that the matter will be taken up promptly.

Mr. COLEMAN. Mr. President, I desire to ask the majority floor leader, the Senator from Tioga, Mr. Owlett, if he will agree to place this bill on the postponed calendar.

Mr. OWLETT. Mr. President, this is a House bill and we have plenty of time to reconsider it. The Senate has already acted and recommitted the bill. If it is to be amended it can be amended easily in the committee. I want to again assure the Senator from Lackawanna, Mr. Coleman, that this is no attempt to kill this bill. The members of the majority party that I talked to are all in favor of the bill if it merely adds to the provisions in this Act cities of second class A. They are concerned, however, about re-enacting the borough Act by this bill, and I think the bill ought to stay back in committee, where we put it, until we can get it straightened out.

MOTION WITHDRAWN

Mr. COLEMAN. Mr. President, I withdraw my motion to reconsider the vote by which this bill was recommitted.

Mr. JASPAN. Mr. President, I withdraw my seconding of the motion.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 570, (House Bill No. 762), entitled:

An Act to amend subdivision heading (i) of article eleven and section one thousand one hundred forty of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the towship supervisors to accept lands dedicated by deed to the township for highway purposes

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I wish to state, on this bill, that for a long number of years, the State has adopted the policy of taking over highways in townships and making them State routes. That has been going on for the purpose of reducing township mileage, and thereby relieving the landowners from taxation to maintain those roads.

Now, this bill opens the door to road supervisors to accept by deed roads or lands—or lands for road purposes—and you will have this situation: the State will be every year taking over township roads, and the township supervisors taking deeds of everything that they can find in their township in plans or lots recorded by land companies, or other persons who hold lands and they will take over those roads or lands in those recorded plans and then make streets through those lands at the expense of the taxpayers in other parts of the townships—the farmers and the rest of them.

I think this is a bad piece of legislation and we ought not to pass it. We ought not to give the road supervisors the right to accept by deed, but we ought to let the system be as it now is established, before they can take any land for road purposes they ought to be permitted to petition the court and get the court's approval. By procedure of that kind the people who are affected in the township, the

taxpayers, may have an opportunity to be heard, but if we pass this bill it will permit the road supervisors to accept a deed of land for road purposes, without the necessity of going into court, and without permitting the taxpayers an opportunity to object to the taking over of any land.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Farrell,	Letzler,	Shapiro,
Chapman,	Frey,	Mallery,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stevenson,
Dando,	Haluska,	Mundy,	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Reed,	Thomas,
DiSilvestro,	James,	Rice,	Walker,
Edmonds,	Jaspan,	Ruth,	Wolfenden,
Eroe,	Kilgallen,	Scarlett,	Woodward,

NAYS—5

Cavalcante,	Gelder,	Lanius,	McCreesh,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 573, (House Bill No. 890), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Lanius,	Scarlett,
Cavalcante,	Gelder,	Letzler,	Shapiro,
Chapman,	Geltz,	Mallery,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Miller,	Stiefel,
Deitrick,	Homsher,	Mundy,	Tallman,
Dent,	James,	Owlett,	Thomas,
DiSilvestro,	Jaspan,	Reed,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Farrell,			

NAYS—1

Eroe,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. GELDER. Mr. President, I move that Senate Bill No. 578, (House Bill No. 1068), on third reading entitled:

An Act to further amend section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the method of filling vacancies in boards of commissioners

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. WOLFENDEN, Mr. President, I ask unanimous consent that Senate Bill No. 584 on third reading entitled:

An Act to repeal section two of the act approved the first day of April one thousand seven hundred and ninety-seven (3 Smith's Laws 294) entitled "An act to regulate the manner of selling loaf bread and to repeal certain existing laws respecting the same"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 611, (House Bill No. 1063), entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 621.1), page 3, line 11, by striking out the word: S "which" and inserting in lieu thereof; "in addition"; amend Sec. 1 (Sec. 621.1), page 4, lines 26 and 27, by striking out the words: S "contained in a written application" and inserting in lieu thereof: "in writing"; amend Sec. 1 (Sec 621.1), page 5, lines 12 and 13, by striking out: S all of said lines and inserting in lieu thereof: "A provision stating the conditions on which the insurance becomes effective and the conditions on

which it terminates."; amend Sec. 1 (Sec. 621.1), page 5, lines 17 to 19, by striking out: S all of said lines.; amend Sec. 2 (Sec. 629), page 9, lines 12 to 17 by striking out the following S "The Provisions of section six hundred seventeen" in line 12, and all of lines 13 to 17 and inserting in lieu thereof: "The provisions of sections six hundred sixteen six hundred seventeen six hundred eighteen and six hundred nineteen of this act shall not apply to those forms of health and accident policies enumerated in section six hundred twenty-one and one-tenth of this act except as provided in said section. Reference in sections six hundred twenty-one of this act to standard provisions shall not be deemed to refer to policies issued under authority of section six hundred twenty-one and one-tenth of this act.; amend Bill, page 11, by inserting after line 9 the following section: S "Section 3. This act shall become effective immediately upon final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 618, (House Bill No. 193), entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assesors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, when I left here last Thursday, I requested that bills that related particularly to Philadelphia go over in their order until tonight, because there were certain matters I wanted to discuss in connection with those bills. One of those bills was passed nevertheless, in spite of that arrangement, last Friday and I have the assurance of the Senator from Tioga that that was a matter of inadvertance. There would have been sufficient votes here to pass the bill tonight and I am not making objection except I think it necessary in connection with this one bill.

That bill permitted the City of Philadelphia to spread a forty million dollar deficit over a period of approximately sixteen years; that is, two and a half million dollars a year. It is important, in connection with this bill, to know what that means. There is nothing in the law or in that bill which will prevent any creditor of the City of Philadelphia from proceeding to reduce his claim against the city to judgment, so that forty million dollars worth of judgments can now be entered against the City of Philadelphia, and undoubtedly will be entered, in view of this situation, because at the last session in 1937, against my better judgment, and against a statement which I made on the floor that I saw no point in extending the time for the payment of deficits, we passed a bill giving the City of Philadelphia the right to include twenty-five million dollars in its budget over a period of five years, at the rate of five million dollars a year.

The result has been not that the city has been helped but the city's interest has been increased because of the number of those claims, and now we have a $40,000,000 deficit; the interest on mandamuses issued will amount to six per cent on $40,000,000 or $2,400,000 a year, reduced by $150,000 for every year the $2,500,00 is paid if anything is paid; so that nothing has been accomplished by that except to increase the cost of running the City of Philadelphia—at a time when it has not been able as yet to meet its budget because of the financial situation. Now, tonight, that not being enough—having permitted the City of Philadelphia to spread its deficit and increase its interest, they are now going to increase this deficit, because in 1937 we passed a bill in this Senate reducing the number of employees in the Board of Revision of Taxes from 80 assessors, at $5,000 a year, or $400,000 to 20 assessors at $4,000 a year; and 10 junior assessors at salaries ranging from $1,800 to $2,700; and we extended the time for making assessments from one year to three years, so that the work of these men has been reduced from an annual to a triennial assessment basis—there was a reduction in that department—the total salaries exclusively of clerks and stenographers was $203,250—there was a reduction in that department, some $585,000, to $203,000.

Now, this bill proposes that everything in the board shall remain the same except that the president of the Board of Revision of Taxes instead of getting $12,000 a year shall receive only $10,000, the same as his six colleagues, and it adds the following: instead of two personal property assessors it is now eight personal property assessors at $5,000 a year, or $40,000; instead of 20 senior assessors, it is now 36 assessors at $5,000 a year; instead of $4,000 or $180,000; instead of 10 junior assessors it is now 36 real estate assessors at salaries of $2,500, or $90,000.

Under the old bill the Board of Revision of Taxes was limited to the number fixed; it could not increase the number at any time except as to stenographers and clerks. Under the present bill in addition to that, if it is not enough to authorize the expenditures of an additional $184,000, the bill reads, first, that each one of these new men who heretofore has never been appointed for more than one year has, through this Act, been appointed for six years; and the board may from time to time increase the number of personal property assessors, real estate assessors and assistant real estate assessors appointed by it as

it shall find necessary, subject, however, to the approval to the tax levying body of the county.

This board started originally with some thirty assessors, and with the approval of the tax levying body it ended up with 80 assessors, at $5,000 a year, or $400,000 for assessors. The City of Cincinnati has an equal amount appropriated, somewhere in the neighborhood of $480,000, to assess also its personal property taxes, inventories in stores, etc., and it does it at a cost of $200,000.

This bill passed in 1937 contemplates and provides for the installation of a modern system of assessment; it would have taken some half million dollars or more to have installed that system. The W.P.A. offered as a project —I referred to that last week—they offered to spend $1,-000,000 to set up a modern system of assessments, to do all the clerical work, to appraise everyone of those properties, and to install maps and plans, which would cost $500,000 and employ one thousand people; and asked the city of Philadelphia to put up $80,000—that was all that was necessary to do in order to install that system, but the City of Philadelphia pleaded poverty, ignoring the offer of the W.P.A., and that work was not done.

Today this session of the legislature is asked to increase the cost of that department to the City of Philadelphia by hundreds of thousands of dollars. I want to see how many men of this administration, pledged, as Governor James was, to help Philadelphia, are going to vote for this bill; and I want to see whether Governor James is going to sign it.

Mr. EDMONDS. Mr. President, I vote "aye" and after the vote is announced I will explain my vote.

Mr. MALLERY. Mr. President, I voted "aye."

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

The affirmative was verified as follows: Bartlett, Cavalcante, Chapman, Crowe, Dando, Dietrick, Ealy, Edmonds, Eroe, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Owlett, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, and Woodward.

The PRESIDENT. Are there any corrections in the affirmative vote? The Chair hears none.

The affirmative vote will stand as verified.

The negative vote was verified as follows: Messrs. Coleman, Dent, DiSilvestro, Frey, Gilson, Haluska, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Sipe, and Stiefel.

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Edmonds,	James,	Stevenson,
Cavalcante,	Eroe,	Letzler,	Tallman,
Chapman,	Farrell,	Mallery,	Thomas,
Crowe,	Gelder,	Miller,	Walker,
Dando,	Geltz,	Owlett,	Wolfenden,
Deitrick,	Heyburn,	Scarlett,	Woodward,
Ealy,	Homsher,	Snowden,	

NAYS—19

Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. EDMONDS. Mr. President, I hesitated on that vote and I would like to explain the reason for my hesitation. I think the Act of 1937—if it was 1937—cutting down the number of assessors in Philadelphia was too drastic. I think this Act is a more wholesome expansion, though it goes somewhat farther than I would like to see. Nevertheless, the fact that they had twenty districts under the Shapiro plan in my judgment would work a hardship in Philadelphia, to make it successful. I voted for it for that reason, although I would have voted for it with more willingness if the difference had been less severe.

Mr. SHAPIRO. Mr. President, I agree with the Senator from Montgomery thoroughly that this is a very wholesome difference—the wholesomeness is that instead of having thirty-five jobs they will have eighty jobs; and I would like to call attention to the gentleman from Montgomery—who was at one time my instructor and to whom I look up with a great deal of respect and with a great deal of admiration—I was in Cincinnati and saw this work done by eighteen people every three years; and I might say that while I hoped this bill would be defeated, I am perfectly satisfied to have the Republicans put themselves on record—I wanted to see this economy administration in action.

I now want to see the Governor carry out his policies, in his economic administration, when it comes to the City of Philadelphia, where he received thousands of votes on the promise that he was going to do something for Philadelphia.

There is another matter in connection with this. I am going to be so happy on this proposition, I am going to keep a promise I made, I promised my Republican colleagues—and I want them to understand I never go back on my word, even though it costs me money—this will bring to light what has happened. I think any investment the citizens could make to bring to light what has happened here today and bring to light what might happen if the Governor signs this bill, any investment of monies, will inure to the benefit of the citizens of Philadelphia; and when the Governor signs the bill I will carry out my promise—gladly.

Mr. OWLETT. Mr. President, as long as this record is apparently being made up after the vote is counted I think it might be well to show the true situation with reference to this bill.

This bill was introduced for the purpose of permitting the Board of Revision of Taxes to carry into effect many of the thoughts intended by the new Act of 1937, enacted during the last Session of the Legislature, and in an endeavor to bring about a scientific method of assessment for the equalization of taxation of real estate, and in aid of the City as well as the taxpayer. Then along came the Session of 1937 and instead of three assessors at $7,500 a year they made seven assessors at $10,000, and in so doing they cut down the number of deputy assessors or appraisers to a number which has made it impossible to function

This Act provides for thirty-six assessment districts with thirty-six assessors at $5,000 each, the present salary—

makes it thirty-six instead of twenty—it creates and provides for one assistant to each assessor, at $2,500, instead of two assessors for each district at $5,000 each, as provided by the Shapiro Act. This Act provides for one chief personal property assessor at $7,500, as at present, and eight personal property assessors at $5,000 each, as at present.

The bill also reduces the salary of the chairman from $12,500 to $10,000. It eliminates the chief appraiser, at a salary of $8,500; it eliminates two deputy appraisers at $5,000 each; it eliminates twenty senior assistants at $4,000 each.

The Act of April 28, 1937, (P. L. 480) also enlarged and increased the duties of the Board. Assessments are now made of 478,682 parcels of real estate, at a valuation of $2,522,664,408, and of personal property to the value of $892,992,489, which made in 1938, was an increase of $19,769,041 over 1937.

The Senator from Philadelphia, Mr. Shapiro has talked about a W.P.A, project to do this work, which fell through for lack of funds.

Mr. President, in the City of Pittsburgh, which as everyone knows is in the control of Senator Shapiro's present party—the party he is now affiliated with—there are 249 permanent employees, 65 temporary employees for a period of five months—of which there are 35 employes in the personal property department, whereas in Philadelphia under this Act there will be seven.

The City of Philadelphia since 1931 has made reductions in assessments amounting $944,000,000. During the year 1938 the reduction amounted to $54,665,000, whereas in Pittsburgh. assessments had been increased $50,000,000. The cost of the county assessment department in Pittsburgh amounted to $625,000 even with a mechanical system installed.

The new bill will not increase the personnel appropriation heretofore made. While prior to the Act of 1937 the appropriation was $558,230 in 1938, under the Act of 1937—which reduced the work of the department, due to lack of help the appropriation was $498,000. The appropriation for 1939 is for the same amount—$498,000.

I had hoped, Mr. President, that it would not be necessary for some one of us outside of Philadelphia to defend the fair name of that city. The Senator from Philadelphia, Mr. Shapiro, has never lost occasion all during this session of this legislature to call attention to what a rotten city Philadelphia is. I am not a resident of Philadelphia but I did obtain my legal education there, such as it is, and I have been around Philadelphia all my life and I, as a citizen of Pennsylvania, am proud of that great city, and I think, Mr. President, we have heard enough on the floor of this Senate in derogation of the great City of Philadelphia, the biggest metropolis of this State.

I was interested also, after the Senator from Philadelphia, Mr. Shapiro, talking about those of us who had the temerity to oppose proportional representation the other day—said that none of us had the right to ever question the fact that they wanted proportional representation. In that connection I want to read from a speach that was made by Robert Moses of New York City, and a lecturer at Harvard—I would like to read for the information of the Senate what he said about Proportional Representation, because it throws, Mr. President, a little light on how careless the Senator from Philadelphia, Mr. Shapiro is in his statements when it comes to Philadelphia, and when he thinks that the Democratic organization there can get a little advantage by slandering that great city—

Mr. SHAPIRO. Of course, Mr. President, I will not rise to a point of order.

Mr. OWLETT. This is what Robert Moses said, in that part of his lecture which has a particular application to Philadelphia. It is called "A Note on P. R. By An Expert:

"In the province of government there is an endless line of reformers, most of them fresh from the campus and the lecture hall, who believe implicitly in the complete effectiveness of certain forms of government. We all begin with such notions. Some of us persist in them to the bitter end, but others realize as they go along that the thing is best which works best. Pope said it all years ago:

'For forms of government let fools contest;
Whate'er is best administered is best.'

"One of the newest and shiniest governmental gadgets is proportional representation. We have just had a dose of it in New York City in connection with our new charter, widely touted as the charter to end all charters, (That is the proportional representation that Senator Shapiro is so interested in) the most perfect fundamental law for a great city ever struck off by the hand of man, the herald of a new civic dawn, etc. etc. I may say in passing that in my opinion the new charter has done little more than complicate our city Government, and make it more expensive, long-winded, cumbersome and discouraging to first-rate talent than it was before (exactly what we have been told about the Philadelphia Charter—and that is what it means). There is not time here to labor this point. I want to limit this reference to proportional representation.

"We came by proportional representation in New York City in a curious way. It was an outgrowth of the Seabury Investigation, of the forced retirement of Mayor Walker and the victory of Fusion under Mayor La Guardia. Judge Seabury developed a passionate enthusiasm for proportional representation. I have always suspected that it was the only device that he could think of which might end party government in municipal affairs. In any event, his prestige at the time was so great and the people were so much in the mood to approve changes in the local Government that proportional representation slid through with the charter, and now we have it. The theory was that by reducing the old Aldermanic body chosen from small districts to a more compact Council selected on a borough-wide basis by proportional representation, we would obtain not only minority representation but a higher type of legislator who would think not of his own small bailiwick but of the city as a whole." He goes on and points out it produces a class vote, and he adds that—

"The results have been grotesque. The public did not understand the mechanics of selection. It may be stated that such selection is freakish rather than arithmetical. It took many days after the election to count the votes. All kinds of queer and potentially dangerous groupings and alliances resulted. There was a manifest tendency toward racial, religious, professional and other minority voting, which is no new thing in American politics, and surely needs no encouragement. When the Council got together there was a bitter wrangle over organization ending in the courts. There was no party or respon-

sibility and none has developed. There were also unseemly wrangles over the actual residence of members, and one gentleman who apparently lived out of town was sustained in his claim that he lived in his office, where he drew hot and cold water out of the same steam pipe for his ablutions and slept at night on two office chairs. The debates or wrangles in the Council have been a source of ribald amusement constituting an undefying spectacle as pictured in the press, and as carried to thousands of listeners over the radio. What is even worse, the touch which the old Alderman had with his own people in his own words, is gone and no substitute for it has been found.

"There were too many Aldermen and too many districts under the old system, but the district plan of representation, based on one man getting more votes than any other among the people who knew him best, was a useful safety valve in our polyglot city. Personally, I got an immense amount of sound advice and help from the old Aldermen, and I devoutly hope we shall return to some kind of district representation and give up the crazy notion that there can be more than one winner in a race and that every minority and faction should be heard in our legislative halls. Not a single worth-while thing that I know of has been accomplished under proportional representation. Many of its proponents stubbornly stick to it, but the ring of conviction is gone, and the voters are getting very sick of it.

"Precisely the same thing applies to the city manager form of government. It seems to work in the smaller communities, but is no patent solution of the major problems of the larger municipalities of this country. The Council and city manager form, whether the Council is elected by proportional representation or not, is a dubious instrument of reform. I have seen city managers bootlick the members of a Council to keep a majority and I have seen them lose their jobs when the majority changed. I have seen the balance of power in a Council or commission form of government in the hands of a single crackpot elected by some freak, and completely indifferent to team work in government. Most of our municipalities require a real personality at the head, elected by the people themselves and not chosen by a Council or Board of Directors on false analogies with private business. Government is not business. It should partake more and more of the character of business in its administrative practices, but in determining policies and in meeting the thousand and one problems which involve public opinion it is silly to say that a good, sound business man is better than a politician. Some of our most pathetic failures in public administration have been made by good, sound business men who have learned when it was too late that government is something more than honest bookkeeping."

I say, Mr. President, after we have heard all this slander of the City of Philadelphia by one of its representatives—and there has never been occasion lost to criticize that city—it is time that some of us, even if we do not live in that city, stand up and defend that metropolis, and I am glad of the opportunity to do so.

Mr. DiSILVESTRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Very gladly, Mr. President.

Mr. DiSILVESTRO. Mr. President, I am very happy to know—in fact I have always known that my friend from Tioga has had a very high respect for the city of Philadelphia; in fact he passed many of his days at 33rd and Spruce Streets, at the University of Pennsylvania. He has already stated this evening that Philadelphia is close to his heart, but now he goes on to say that the people of Philadelphia should be put in the position of receiving criticism continuously in this May-day affair here because we have to have a bundle of speeches—do you think it is fair, Senator Owlett, to say with one breath you like Philadelphia and at the same time say you will not give Philadelphia their opportunity to either accept or reject Proportional Representation?

Mr. OWLETT. I say, Mr. President, that this legislature, under the Constitution, is charged with the duty of submitting legislation to the people under a Constitutional amendment—but I say that does not mean we must shut our eyes to any kind of a proposal that is made.

I say further than that, as I have said on the floor of this Senate before, that the Charter bill should have provided a method whereby the people could have rejected the proportional representation part of the bill—to which I personally object—and in which I was very much pleased to find I had company in the way it has been working out in New York, where we are told it created a more expensive form of government.

Mr. DiSILVESTRO. Mr. President, my friends ask why I should argue with a high priced attorney like my colleague from Tioga, but I would like to know from the Senator from Tioga, Mr. Owlett, if he thinks the people of Philadelphia ought not to have an opportunity to vote on the matter, and the Senator from Tioga has not answered my question. Yes or No, Senator.

Mr. OWLETT. My best answer to that, Mr. President, is the fact I voted "no" on the city charter bill and explained I did it because it contained a provision for proportional representation, with which principle I did not agree. My vote can be interpreted, therefore, in no other way than that. I was opposed to submission of a charter to the City of Philadelphia that neither the Senator nor anybody else can understand and it did contain provisions for proportional representation.

Mr. DiSILVESTRO. I certainly do get a big experience in this Senate in watching the dodging, the swerving and squirming away of my esteemed colleague from Tioga, Mr. Owlett. He still has not answered my question.

Mr. Owlett, to put it in a different way—as a lawyer in a court room would say—do you believe in home rule—Senator?

Mr. OWLETT. Mr. President, I believe in home rule.

Mr. DiSILVESTRO. Mr. President, why not give Philadelphia a chance to vote as it sees fit?

Mr. OWLETT. Mr. President, I believe I explained, at the time I explained my vote against the charter bill, that I thought there was never a bill more ably designed to destroy home rule than the city charter bill with the provisions for proportional representation. Because I was a friend of home rule I vote "no" on the bill.

Mr. DiSILVESTRO. Well, Mr. President, I do not think I will subject my friend to any more grilling cross-examination. I do not take the floor very often, but when I do I am a little steamed up by my friend from Tioga, he certainly has the needle that can inject me very good.

I wish to state on the floor of this Senate that the remarks made by the Senator from Tioga were totally out of place tonight, and if they were provoked by my friend, the Senator from Philadelphia, Mr. Shapiro, I am sorry; but we are discussing this bill here about the exorbitant amount of money that is going to be expended and which does not meet with the program of our esteemed Governor. I desire particularly to get out of here now, go back and get a rest, so that we can do our work tomorrow; so I ask my friend from Philadelphia and my friend from Tioga to stop fencing and give us a chance to do our work, because we are only wasting time.

The Senator from Tioga said he voted against the city charter. I would still ask my friend from Tioga, who has a lot of pull in the House, to please see that the Committee on Municipal Government puts that Charter Bill out so the people of Philadelphia may have an opportunity—and so that you can console yourselves that the people of Philadelphia are really what they are, nice, peace loving people who like to live in a city they can be proud of; and I think the Senator from Tioga, after having been so splendid in his discussion of the City of Brotherly Love, can help to keep the name of Philadelphia immaculate.

Mr. WOODWARD. Mr. President, my feelings toward my able floor leader are on this occasion a little mixed. When I voted "aye" on House bill No. 193 I did not know that it was such a completely meritorous measure, and I am very glad to have been reassured on that point.

The point where I do not agree with my able floor leader is the Philadelphia charter, and I simply want to say that the great Moses lead his people around a circle in the wilderness for forty years, and he never once found the Promised Land.

Mr. REED. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. REED. Mr. President, it is reported that the City of Philadelphia is bankrupt. Is that correct?

Mr. WOODWARD. Mr. President, it is supposed to be tottering on the edge of 77B.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, in order to be correct in my position, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, earlier this evening we adopted a resolution introduced by the gentleman from Washington, Mr. Reed, and one of its provisions was that the major problem in Pennsylvania is unemployment—and that has also been the hue and cry over the State of Pennsylvania and in these Assembly halls for the last two or three Sessions, and I sincerely believe that the question of unemployment is a major problem, and when we sit down to solve that problem I do not care where the jobs come from, whether they are jobs created by the passage of an act which requires the expending of public funds or whether it is an act intended to promtoe private industry.

In the bill that has been under discussion here the gentleman from Philadelphia, Mr. Shapiro, laments that it will increase jobs, will cause employment of more people in Philadelphia. The gentleman from Tioga says, "No, it will cut down employment." That causes considerable confusion, and I think that both of those ideas are at odds with the problem of creating employment. So, in order to make sure on this matter, I voted for the bill, because I think it will create jobs and I am ready to vote for any bill to create jobs.

Whenever we passed a State authority bill that was a bill intended to create a State agency that would spend public funds, and nobody objected to that because that act would create employment by expending public funds; and I do not see why we should have any objection in passing this Act of Assembly if it creates more jobs for the City of Philadelphia.

Mr. President, there is another consideration that prompted me to vote for this bill. I see that the sponsor of this bill in the House, is a Mr. Hamilton. That name is very familiar to me; the name is very vivid in my imagination, because I remember that a number of us on this side of the House, believing in the arguments and statements, of many members of this Senate from Philadelphia—we popularly speaking, were put out on a limb, and then we were sold down the river in consideration of that name; and when this bill appeared on the calendar, with the name of Mr. Hamilton—another Mr. Hamilton—I thought we ought to be careful and weigh very carefully any argument advanced against it by the members from Philadelphia, for fear we might be sold down the river again, like we were before when we were considering a matter pertaining to a Mr. Hamilton.

Mr. SHAPIRO. Mr. President, I have listened to the explanations of the Senator from Montgomery, Mr. Edmonds, Mr. Mallery, the gentleman from Blair, and Mr. Cavalcante the Senator from Fayette and I am reminded of a homely expression my father used to have. He used to say, "When you have to explain, it is bad already," and I am thinking today, when these gentleman have to explain their vote on this particular bill, that is bad already. There are a number of other gentlemen who are trying to explain their vote to themselves, and try as they will outwardly to explain it they will have a real difficulty in explaining it.

I heard no word, Mr. President, outside of the gentleman from Tioga, in favor of this bill. The gentleman from Philadelphia, Mr. Farrell, who is a former member of the Board of Assessors of Philadelphia, has not said a word in favor of this bill; but I repeat that this gentleman Moses has something to do with the charter bill, and how the gentleman from Tioga dragged it in I don't know, but I remember a little ditty we used when we were children —"Where was Moses when the lights went out?"—the rest of it you can remember for yourselves.

I can say figures do not lie but liars will figure. The gentleman from Tioga says that this requires a million dollars to prepare a set-up that would be a modern system, and since the City of Philadelphia did not have the money —which was $80,000—they could not do it; and since they did not have $80,000 to enable us to put a thousand people to work—and that might appeal to the gentleman from Fayette, Mr. Cavalcante, by the passage of this bill and the refusal of Council to put up $80,000 to enable the saving I spoke of, they certainly will not have the $80,000 which will keep a thousand people out of work.

I say again there should be now 35 people employed, the payroll should be somewhere in the neighborhood of $300,000; counting clerks and stenographers the payroll has been over $400,000, and there are employees in that department in violation of the law, but in Philadelphia—and I am talking now about the government of Philadelphia and not the people or the City of Philadelphia—in Philadelphia the law is nothing among friends and everybody in the City of Philadelphia in the Republican organization that governs it are friends therefore the law is nothing among friends.

There should be 35 people employed under the law and under the present act there will be eighty and no matter how the gentleman from Tioga tries to explain it by the repetition of figures the facts are there should be, under the old act thirty-five people but there will be under the new act eighty people.

The payroll should be $203,000 under the old act. Under the new act it will be at least $387,000.

The fact is that when they had less people they did a better job and only decreased the assesment around $50,000,000 when they had more people they decreased it around $90,000,000—if we take more off maybe they will stop decreasing the assessment for personal friends and others.

I know whereof I speak, and when I make a statement on this bill of that character I am careful enough about it, and I say that the equalization of assessment by a modern system would level off the assessment in such a way that those who are entitled to lower assessments would get them, and those who should have higher assessments will get them, and we will get more taxes.

I continue to say I do not propose to be fooled by any statement from the gentleman from Tioga; I am not afraid of the fact that I was a Republican at one time, I might consider seriously whether I should not be ashamed of it; but I am not ashamed of it being mentioned, and I am not ashamed that I am now a Democrat; for the first time I am where I can feel and do and say what I think is right, and the continued repetition by the gentleman from Tioga, reminding me I was once a Republican does not reflect upon me but upon him.

I was a Republican for twenty-four years, and I left the Republican party because they did not want my candid, honest judgment. I was told that, as a Republican, you do not use judgment, you take orders, and I am one of those fellows who could not even take an order from my father when I thought he was wrong—of course, he was right, but I thought he was wrong.

There are many men in the Senate, as there are in the House, who are Democrats but who once were Republicans. As a matter of fact the Democratic party gained its victory through the desertion of disgusted Republicans who entered the ranks of the Democrats because there was no other place for them to go in order to get what they thought was decent government.

I want to repeat that the City of Philadelphia, as a city and as a name, has a great deal of history and a great many certainly beautiful things to its credit; and that is because of its tradition, it is because in its history it played an important part in the development of the nation, that I am crying maybe even into the wilderness, as it may be to the Senator from Tioga, in the hope that some day it will be brought back to its real standing.

My cry is not against the city, it is against the city managers; my cry is against the people who for five months have been unable or unwilling, or have not had intelligence enough, or the courage, to adopt a budget, the only city in the State of Pennsylvania which today, five months after the fiscal year has begun, is without a budget, and pays it payroll to its employees only by the grace of God and the assistance of the Supreme Court of the Commonwealth of Pennsylvania, in violating a law on the statute books which requires that they shall prepare their budget on the 15th of December.

What does the gentleman from Tioga expect me to do in a situation like that? Sure, he has been around Philadelphia, but that is all; he does not live in Philadelphia, he skirts around it; the Bellevue-Stratford is a nice place to stay, certainly it is a lovely place when you look at it, if you do not have to pay the taxes on it, that it cannot pay because of what has happened in Philadelphia. It is a nice place to go as long as the people in charge of the duty of collecting the taxes do enforce their rights; and that does not apply only to the Bellevue-Stratford.

The gentleman from Tioga answered the gentleman from Philadelphia, Mr. DiSilvestro, "Certainly I am in favor of home rule," but if he calls back my position in the Republican party I would like to recall to him his opposition when Philadelphia had a real home rule bill, one which this Senate did pass, an amendment to the Constitution authorizing the City of Philadelphia to consolidate the city with the county and make one government, so we could get good government. Under the present Charter—if we had had that bill, we might not have been put to the trouble of trying to get a new Charter Bill; another time they passed a bill authorizing the City of Philadelphia, by Constitutional amendment, to consolidate the city and county.

What does the gentleman from Tioga expect of the citizens of Philadelphia who get up every morning with a fear they do not know when the bondholders will file a petition and put us into 77B, to which the gentleman from Philadelphia, Mr. Woodward, so jocularly referred?

It certainly is not funny to any man living in Philadelphia; it is not funny when you look over your councilmen and the Board of Revision of Taxes—there is nothing funny about them when we know they have been wasting our money year after year; not one of them from Philadelphia can talk about it; but the closest man to Philadelphia is the gentleman from Tioga, who comes from the western part of the State and he tells us that Philadelphia is a good city, our managers are fine and we ought to be ashamed of ourselves to protest against the City of Philadelphia, we ought not to take its fair name and bring it to disgrace.

Who has brought it to disgrace except these so-called managers, these political high-binders who have been taking its finances and wrecking it, taking the fair name of the City of Philadelphia and bringing it to disgrace? It was long ago said that Philadelphia was corrupt and contented—not by a Philadelphian but by an outsider which makes it worse.

We in Philadelphia know we are looking to this Governor, who told us what he was going to do for Philadelphia. We looked to Council for years, and we got nothing.

The gentleman made a marvelous argument, the best

argument that could be advanced by the opponents of the charter bill, and if he had stuck to that argument alone, and had not dragged in Cummunism there would have been more force to his argument. What he should have done was to present that argument—with the voice of Moses—to the voters certainly all questions should be discussed, and in the open, but it belongs in Philadelphia and not in Tioga County.

I contend, and repeat, I know what is happening in Philadelphia—I live there. I am proud of its traditions but I am ashamed of its later history. I am ashamed of the fact that we have to come here year after year, and plead with these men to give us relief; and when we get relief from one organization then comes bock again the organization into power which has ruined the city, and it comes back and undoes the work that has been done.

The gentleman from Germantown, Dr. Woodward—he knows that the bill which we put through was a wise bill; he signed the report that cut this Board of Revision of Taxes down to its present number of employees. He made the statement, I think on the floor of this Senate that this was an economy measure and that the City of Philadelphia certainly needed to have economy applied to it.

He knows that he sat in the committee meeting. He knows that we examined city after city—we traveled during and after the session of the Legislature; I personally went to Cincinnati, Cleveland, Detroit, and most of the places where city management was in force and he knows as a result of that we brought back written, documentary evidence, to show that in other cities where a modern system of assessment prevailed the work was done cheaper and better.

We were ashamed, when we walked into one of those large cities, to see the fine piece of work they had done; ashamed, to see a modern system in what you might call a hick town, and come back to Philadelphia and see what is going on there.

We provided that there should be machinery, mechanical methods of assessment; and what happened? Today, as for years, 475,000 properties are written up in longhand in books, bound volumes, by these same assessors, and when they get through we have them start all over again and rewrite them, once more, 474,000 times; and if by that time they are not exhausted they begin all over and rewrite those properties in another set of books, 474,000 times; and then the City Controller, because of inaccuracies through handwriting and the frailty of human nature has to check, and write up a set of books of his own so that he can compare, and he is kept busy correcting the mistakes that these men make.

Certainly 35 men will not be enough to do that kind of work, and that never was the purpose; and nobody from Fayette County or Tioga County or Montgomery County can tell me what is going on in the City of Philadelphia. I would like to take these gentlemen down there on a tour of inspection, and I would like to show them pictures in the paper, where we are boarding up the only entrances that exist to our subways, one of which cost $6,000,000 and the other of which cost $750,000, and the one which cost $6,000,000 tore out one that cost $500,000 years before.

We are paying interest on bonds, and sinking fund, and on those bonds we are not getting a dollar's worth of value, even though we are continually digging holes in the ground in which we pour our money; and then when the hole is ready they go and seal up the coffin so that the evidence connot be discovered.

If anybody can be proud of that kind of government, it can only be someone in Tioga County because he is far enough away not to be upset by the stench in the nostrils of decent people.

I say it is high time that the people here and the people all over Pennsylvania who can give us some help know the true conditions. I am not anxious to keep repeating these things but I find, apparently, it is necessary, because the more of these acts you repeal the more you increase our burdens; and I say now that I doubt very much whether Governor James will sign this bill, but whether he will or not, we are entitled to present our case to the members of this Senate, and we are entitled to feel chagrined when we see men of intelligence and understanding trying to present arguments here as excuses for the votes which they, obviously in their own hearts, know to be a vote cast only because it was a Republican caucus vote. I know I have had experience and I know if that is what these gentlemen want to do it is their privilege, but it is equally my privilege to disagree publicly and put on recording my views as to why those votes were cast.

The gentleman has said I voted for proportional representation, and that he voted against the charter and proportional representation I would like to tell you gentlemen, in all confidence, the City of Philadelphia will not vote on the Charter; it is dead; it is killed in the House, and will stay dead; the Republican organization does not have the courage to pass that bill.

Let me say one thing—and I digress from my subject about the city charter, because the gentleman from Tioga brought it in—if proportional representation was an objectionable feature, if the city manager was objectionable, the gentleman from Tioga knows he has the votes to correct it; and they could have drawn a new charter and submitted the matter to the people on these three questions: whether Philadelphia should have a new charter; whether Philadelphia should have proportional representation; whether Philadelphia should have a city manager.

They did not want to do that and they do not want to do that, and the reason, obviously, was to put the bill before the public in the worst way. Bring out these 2,350 Philadelphia Communists, spread it all over the Charter, point to proportional representation as Communistic, and you are bound to kill the charter if it comes up. It is still in the House but I venture the prophecy it will not be touched in a single line, because it is the theory of the Republican organization that that is the way to beat it.

If it comes out they will not be able to stop the avalanche of voters any more than they were able to stop the Roosevelt landslide. I say to you that if I had done anything which my constituents in Philadelphia objected to, if I had said anything about Philadelphia that they did not like, I would have heard from them. I have not heard a single word of protest as to my statements about the true facts in Philadelphia, and every newspaper in Philadelphia agrees with me, and I shall continue to tell you these things; and I hope you will enjoy them—because some day maybe this business of voting in caucus

will be stopped and we will some down to the bottom of these things and realize all we are doing now is piling up on the condition, the intolerable conditions—not correcting them but aggravating them for political purposes only.

Remember this: the James Administration was supposed to take politics out of relief and give relief to citizens without politics. Compare its work with its promises and see where it leads.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Allegheny, Mr. Walker, will state his question of parliamentry inquiry.

Mr. WALKER. Mr. President, I should like to preface my inquiry with two observations: first, wherein my colleagues from Allegheny, and I had better look to our laurels, because we now have our colleagues from Philadelphia boasting about the City of Brotherly Love: secondly, I understand Philadelphia was founded by the Friends.

And now as to the inquiry; we have had an hour's tour around Robin Hood's Barn, and on behalf of some of the freshmen, in their first term, who are trying to learn what to do and what not to do, I would like to know if it is ordinary and customary Senatorial procedure to debate for an hour a bill that has been already passed and voted on by the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery, Mr. Edmonds, will state his question of personal privilege.

Mr. EDMONDS. Mr. President, I have listened to this debate with a great deal of interest. For one thing I think we all agree on is that Philadelphia is a great city; in spite of all that has occurred.

I think that the troubles which have occurred in the City of Philadelphia are serious troubles and troubles that deserve serious consideration, and my criticism would be that the government has not convinced the people of Philadelphia it is in earnest in its economy program.

I do not agree with the Senator from Fayette, Mr. Cavalcante, that we should vote for anything in order to create jobs. That does not seem to me to be the right practice, but it seems to me that the money you take from taxation has got to be spent with the public's purpose in view.

Now, when you look at Philadelphia what do you find? Deduct from its expenditures the amount it pays on debt service and of all the cities in the country of over 500,000 population Philadelphia's cost is the lowest per capita —next to the lowest—I think twelfth out of thirteen.

Now, that to my mind is rather interesting. I think there is waste in certain places, but it does not show as far as figures are concerned. What Philadelphia has that is great is the spirit of industry among the people; it has the finest population for diversified industrial work that any community in this State can show; it has five thousand manufacturing establishments. It has men who have the brilliancy of Edward G. Budd, Morris Leeds and Richard B. Brown, whom you confirmed tonight for the Department of Commerce, all of whom have started businesses and seen them grow to be great.

What do they ask of their government? That the government shall be conducted in a reasonable way and at a minimum of cost. The reason why I hesitated in my vote was that when the gentleman from Philadelphia finished I thought that there would be a reply, but there was no reply from Philadelphia, and I confess that disappointed me, I am also inclined to think if the gentleman from Philadelphia will stop to think, that 480,000 pieces of real estate means 180,000 or a 190,000 a year. Divide them up into 36 assessment districts, and you have something like 5,000 for each district.

I am inclined to think that that is as much as can be covered effectively; and I am therefore inclined to look upon an expansion in the board of Revision of Taxes as a good thing, but it does not seem to me it is worth while to go into details, as the gentleman from Allegheny has said, on a bill that has been passed. I would rather go into the fact that as long as Philadelphia has these industrialists Philadelphia will be a great city and what those industrialists ask is for a State government that will convince them that it has the same spirit of economy that the times require.

I do not know whether there is that spirit in Philadelphia at the present time. I am rather inclined to think they have not succeeded in convincing the people that they are running the government economically and that is now back of the demand for the city charter. Nevertheless, great cities do not disappear in one generation; Philadelphia will be great as long as it has the industrial spirit that has characterized it for the past five generations.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 625, (House Bill No. 680), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 669, on third reading, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as

public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates, providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

be recommitted to the Committee on Public Utilities for the purpose of further study.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that Senate Bill No. 670, on third reading, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations, exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," by re-defining "rural area" and limiting the exercise of the power of eminent domain.

be recommitted to the Committee on Public Utilities for the purpose of further study.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 108, (House Bill No. 296), entitled:

An Act to validate mortgages sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales.

And said bill having been read at length the third time, and agreed to.

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey.	Lanius.	Shapiro,
Chapman,	Gelder	Letzler,	Sipe.
Coleman,	Geltz.	Mallery.	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrich,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Reed,	Walker.
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe.			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. OWLETT. Mr. Presisdent, I move that further consideration of Senate Bill No. 709, on third reading entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations.

be postponed for the present.

Mr WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 742, (House Bill No. 1361), entitled:

An Act to amend clause (10) of section 3 sections 5 and 6 paragraphs (2) (3) (4) (6) (11) of section 8 sections 9 and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seven hundred twenty-four) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" by changing the vote necessary for the establishment of districts the making of regulations and the dissolution of districts and requiring voters to be land owners.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I do not know how many people are interested in this bill, but this is a bill to amend the soil conservation Act passed in 1937, and, under the law then existing, in order for a conservation district to be created, a referendum was held in the district, which required the vote of a majority of the occupiers of the ground involved.

This bill is a new method of repealing a law that is disliked by some people. It provides, now, that not the occupiers but the owners of the property shall vote, and it requires not a majority of the people voting to pass it but it requires 65 per cent of all the owners—not the voters—so that every owner of property, all he has to do is stay at home and the referendum is defeated. This is the first time that I have heard of a referendum being determined, by those people who stay at home.

I do not know whether you want soil conservation or not, but if you do not want it this is a good way not to get it. It seems to me that a bill which deals with so important a subject as this, which kills conservation, as this bill does, should be voted down.

On the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Eroe,	Letzler,	Snowden,
Cavalcante,	Farrell,	Mallery,	Stevenson,
Chapman,	Geiger,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Heyburn,	Reed,	Walker,
Deitrick,	Homsher,	Ruth,	Wolfenden,
Ealy,	James,	Scarlett,	Woodward,
Edmonds,			

NAYS—17

Coleman,	Haluska,	Lanius,	Rice,
Dent,	Jaspan,	McCreesh,	Shapiro,
DiSilvestro,	Kilgallen,	McGinnis,	Sipe,
Frey,	Kunkel,	Mundy,	Stiefel,
Gilson,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 744, entitled:

An Act to amend paragraph (e) of section two hundred and two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revivse certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or opportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by act of September 28, 1938 (P. L. 44) by providing further exemptions with respect to the transfer and acquisition of property.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Very gladly, Mr. President.

Mr. SHAPIRO. Mr. President, I am not so clear on this bill. I understand that interstate commerce railroads are controlled by the Interstate Commerce Commission. Now, this bill, as I understand it, provides that railroads shall not be subject to the Public Utility Commission in certain cases. Now, does the gentleman from Montgomery feel that the Interstate Commerce Commission can take care of this situation in all respects?

Mr. EDMONDS. Mr. President, this is simply with reference to the buying and selling of property, and I think the Interstate Commerce Commission can do that.

Mr. SHAPIRO. Mr. President, what about railroads that operate exclusively within the State?

Mr. EDMONDS. Mr. President, that is the only exception to common railroads, the Interstate Commerce Act.

Mr. SHAPIRO. The reason for this bill is what, Mr. President?

Mr. EDMONDS. Mr. President, I say the exception there is to except a common carrier by railroad subject to the Interstate Commerce Act, so that railroads in the State, which are not subject, do not come under this exemption.

Mr. SHAPIRO. So, Mr. President, the only purpose is to avoid duplicate approval.

Mr. EDMONDS. That is correct, Mr. President.

Mr. KUNKEL. Mr. President, I should like to be recorded as voting "no" on this bill, and I would like to explain my vote. Just this evening the Senate passed a resolution calling upon the Attorney General to make a thorough investigation of the Public Utility Law and its effects, and to recommend any needed changes.

In view of the unanimous approval by this Senate, calling for information from the Attorney General, I see no justification or excuse for passing any bill amending the act now.

And the question recurring,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, I desire to be recorded as voting "no".

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Lanius,	Scarlett,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Frey,	Mallery,	Sipe,
Coleman,	Gelder,	McCreesh,	Snowden,
Crowe,	Geltz,	McGinnis,	Stevenson,
Dando,	Gilson,	Miller,	Stiefel,
Deitrick,	Haluska,	Mundy,	Tallman,
Dent,	Heyburn,	Owlett,	Thomas,
DiSilvestro,	Homsher,	Reed,	Walker,
Ealy,	James,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,

NAYS—2

Jaspan,	Kunkel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 745, entitled:

An Act to amend section one thousand forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by regulating the number of times the same subject matter may be presented to the voters in a petition of initiation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "present".

The PRESIDENT. It will be so recorded.

Mr. STIEFEL. Mr. President, I desire to be recorded as voting "present".

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were follows, viz:

YEAS—32

Bartlett,	Eroe,	James,	Scarlett,
Chapman,	Farrell,	Letzler,	Snowden,
Coleman,	Frey,	Mallery,	Stevenson,
Crowe,	Gelder,	McGinnis,	Tallman,
Dando,	Geltz,	Miller,	Thomas,
Deitrick,	Gilson,	Mundy,	Walker,
Ealy,	Heyburn,	Owlett,	Wolfenden,
Edmonds,	Homsher,	Rice,	Woodward,

NAYS—11

Cavalcante,	Haluska,	Kunkel,	Reed,
Dent,	Jaspan,	Lanius,	Sipe,
DiSilvestro,	Kilgallen,	McCreesh,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 765, (House Bill No. 322), entitled:

An Act to repeal the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale of distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were follows, viz:

YEAS—28

Bartlett,	Edmonds,	James,	Snowden,
Cavalcante,	Eroe.	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Reed,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—17

Coleman,	Haluska,	Lanius,	Rice,
Dent,	Jaspan,	McCreesh,	Shapiro,
DiSilvestro,	Kilgallen,	McGinnis,	Sipe,
Frey,	Kunkel,	Mundy,	Stiefel,
Gilson,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 767, (House Bill No. 701), on third reading, entitled:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt.

be recommitted to the Committee on Finance for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 771, (House Bill No. 962), entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Eroe.	Lanius,	Scarlett,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Frey,	Mallery,	Sipe,
Coleman,	Gelder,	McCreesh,	Snowden,
Crowe,	Geltz,	McGinnis,	Stevenson,
Dando,	Gilson,	Miller,	Tallman,
Deitrick,	Haluska,	Mundy,	Thomas,
Dent,	Heyburn,	Owlett,	Walker,
DiSilvestro,	Homsher,	Reed,	Wolfenden,
Ealy,	James,	Rice,	Woodward,
Edmonds,	Kunkel,		

NAYS—2

Jaspan,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 780, (House Bill No. 804), entitled:

A supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from certain provisions of said act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Edmonds,	Letzler,	Snowden,
Cavalcante,	Eroe.	Mallery,	Stevenson,
Chapman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Walker,
Dando,	Geltz,	Reed,	Wolfenden,
Deitrick.	Heyburn,	Scarlett,	Woodward,
Ealy,	Homsher,		

NAYS—20

Coleman,	Haluska,	Lanius,	Ruth,
Dent,	James,	McCreesh,	Shapiro,
DiSilvestro.	Jaspan,	McGinnis,	Sipe,
Frey.	Kilgallen,	Mundy,	Stiefel,
Gilson,	Kunkel,	Rice,	Thomas,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 781, (House Bill No. 963), entitled:

An Act to amend section one of the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Eroe,	Lanius,	Rice,
Cavalcante,	Farrell,	Letzler,	Scarlett,
Chapman,	Frey,	Mallery,	Snowden,
Coleman,	Gelder,	McCreesh,	Stevenson,
Crowe,	Geltz,	McGinnis,	Tallman,
Dando,	Haluska,	Miller,	Thomas,
Deitrick,	Heyburn,	Mundy,	Walker,
Dent,	Homsher,	Owlett,	Wolfenden,
Ealy,	James,	Reed,	Woodward,
Edmonds,	Kilgallen,		

NAYS—6

DiSilvestro,	Kunkel,	Sipe,	Stiefel,
Jaspan,	Shapiro,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 786, (House Bill No. 1297), entitled:

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (P. L. 395) entitled "An act regulating the sale of concentrate commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corncobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seed or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (P. L. 1907 page 273) entitled 'An act regulating the sale of wheat rye corn and buckwheat-bran and middlings or any admixture thereof et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward,
Edmonds,	James,		

NAYS—19

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 803, entitled:

An Act requiring plans and specifications for the design or construction of certain utilities structures projects works improvements and buildings to bear the signature and seal of a registered architect or registered professional engineer of the Commonwealth of Pennsylvania before filing with or acceptance or approval or issuance of permit with respect thereto by any department board commission or other body of the Commonwealth of Pennsylvania or any of its agencies or political subdivisions and providing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Edmonds,	Jaspan,	Scarlett,
Chapman,	Eroe,	Kunkel,	Snowden,
Coleman,	Farrell,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Thomas,
Dando,	Gilson,	Mundy,	Wolfenden,
Deitrick,	Heyburn,	Owlett,	Woodward,
DiSilvestro,	Homsher,	Rice,	

NAYS—17

Cavalcante,	Haluska,	McCreesh,	Sipe,
Dent,	James,	McGinnis,	Stiefel,
Ealy,	Kilgallen,	Reed,	Tallman,
Frey,	Lanius,	Shapiro,	Walker,
Gelder,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 804, entitled:

An Act to amend the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 933) entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners defining the power and duties of said board of examiners and providing penalties for the violation of this act" as amended changing limitation upon expenditures by board revising and changing qualifications for registration requiring registrants to obtain and use a seal defining certain terms requiring certain building plans to be signed by registrants prohibiting registration of corporations and firms prohibiting and making certain acts unlawful and increasing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Edmonds,	Jaspan,	Rice,
Chapman,	Eroe,	Kunkel,	Scarlett,
Coleman,	Farrell,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Stiefel,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,	Heyburn,	Mundy,	Wolfenden,
DiSilvestro,	Homsher,	Owlett,	Woodward,

NAYS—16

Cavalcante,	Gelder,	Lanius,	Shapiro,
Dent,	Haluska,	McCreesh,	Snowden,
Ealy,	James,	McGinnis,	Tallman,
Frey,	Kilgallen,	Reed,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 814, entitled:

An Act to amend Section four of the act approved the thirty-first day of May one thousand nine hundred thirty-three (P. L. 1116) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" by making unlawful the selling of ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice for resale to any purchaser not having cabinets cans or other containers exclusively to preserve or hold the same.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. JASPAN. Mr. President, I desire to interrogate the sponsor of this bill, Mr. Farrell.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Farrell, permit himself to be interrogated?

Mr. FARRELL. I will, Mr. President.

Mr. JASPAN. Mr. President, I should like to know the purpose of this bill.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, in order to save time I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 815, on third reading, entitled:

An Act to further amend clause (a) of section three of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforecement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" regulating the hours of labor for female employes of non-profit charitable or welfare institutions.

be recommitted to the Committee on Labor and Industry for the purpose of further study.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. TALLMAN. Mr. President, I move that further consideration of Senate Bill No. 831, (House Bill No. 519), on third reading, entitled:

An Act to amend paragraph six of section two of the act of June seventh one thousand nine hundred one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violations thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers.

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 832, (House Bill No. 718,) entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or

in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. Speaker, in order to save some time I suggest that this bill and the following bill relate to the situation under which the last administration provided for the taking over of the insane by the Commonwealth of Pennsylvania. These two bills are the beginning of the death knell of that program, and because of that I am going to ask my colleagues to vote "no."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy.	Homsher,	Snowden,	Woodward,
Edmonds,	James,		

NAYS—19

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 833, (House Bill No. 720), entitled:

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 63) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties of the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy.	Homsher,	Snowden,	Woodward,
Edmonds,	James,		

NAYS—19

Cavalcante.	Gilson.	Lanius.	Rice.
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent.	Jaspan,	McGinnis,	Sipe.
DiSilvestro.	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LETZLER. Mr. President, I ask unanimous consent that Senate Bill No. 850, on third reading, entitled:

An Act to repeal the act approved the third day of April one thousand eight hundred and sixty-eight (P. L. 639) entitled "An act relative to the compensation of the treasurer of Centre county the safe keeping of the county funds et cetera."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 859, entitled:

An Act to amend section three hundred and seven of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weight measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval

of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" removing the requirements that the Governor approve rules regulations and orders issued by the commission.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SIPE. Mr. President, I desire to interrogate the Senator from Delaware, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. I will, Mr. President.

Mr. SIPE. Mr. President, I should like to inquire of Senator Heyburn as to the purpose back of this bill.

Mr. HEYBURN. Mr. President, the purpose is to fix the responsibility for Milk Control Commission orders. It seems to me that any Milk Control Commission competent to write orders, should stand back of those orders, and it is rather silly to believe that after an order has been written, and after probably taking eight or ten weeks to properly consider the difficulties, to go to the Governor and get him to sign it, is just an idle gesture.

In other words, the Public Utility Commission orders require no signature from the Governor of the Commonwealth; and this signature proposition is probably caused by the fact that Governor George H. Earle, when campaigning for Governor, promised the farmers that he would sit as a member of the Milk Control Commission, and then, after he was elected, he found he could not do that, and so he had written into the law the provision that he would sign all orders.

It seems to me impossible for any Governor to have an order placed before him and be in a position to know what is in that order; and this is an attempt to fix the responsibility for the writing of these orders and to put it fairly on the Milk Control Commission.

Mr. SIPE. Mr. President, not during the last generation, at least, has Pennsylvania had a Governor who has known anything about farming; and, likely, another generation will pass before the State is fortunate enough to have a Governor that knows anything about farming.

Farming is still the greatest industry in Pennsylvania, and the farmer has been used as a fellow to fool, by politicians, with promises when running for office; and then the politicians, when elected to office, have promptly forgotten the promises.

Senator Heyburn almost adverted to this fact when he said that Governor Earle had made many promises to the farmers when running for office. He did; but unfortunately he was not able to carry them out owing to the fact that—I think it will be admitted by all who are familiar with the milk situation—that the milk monopoly soon got control of his Milk Board.

Now, when the present Governor was running for office he also made a lot of rosy promises to us old farmers as to what he would do with regard to the milk situation; as to what he would do for them generally, the farmers came up to one of the meetings recently of the committee that is investigating the milk situation, farmers from Cumberland County, who told us that in one of the speeches the present Governor delivered during his campaign he promised the farmers of Cumberland County that within two weeks after his election he would increase the price paid to the farmer for milk, at least 40 cents a hundred.

Now, I think it a very salutary thing that we continue to fix a little responsibility on our governors to familiarize themselves a little, at least, with the problems of the greatest industry in Pennsylvania. Most of our governors devote a great deal of attention and a great deal of energy to digging into the problems of industry, into the problems of the steel business and coal mining, and so on; but, as I say, we have not been fortunate enough to have one who knows much about farming, and here, if we pass this bill, we are simply saying to the present governor that he can run out on the rosy promises he made to our farmers when running for office; and saying, also, to all future governors, that they need not concern themselves about the farming industry; that they simply can continue to use the farmers when running for office, as a fellow to fool with rosy promises after they come into office.

Now, as to the great difficulty a governor would have in deciding whether he should approve or disapprove a Milk Control Commission order, it seems to me that it would not take a great deal of mental acumen, it would not take a great deal of business ability on the part of a governor confronted with the situation that prevails in the milk industry in Pennsylvania today to make a decision when that situation as is follows: the milk producing farmer over the State is getting less than three cents a quart for the milk he produces and the milk monopoly sells that milk to the consumers at no place in the state at less than eleven cents a quart and in most places twelve cents a quart.

It seems to me it would not require a great deal of effort, or a great deal of mental ability for any Governor confronted with a situation like that, to be able to decide that the spread between three cents to the farmer and eleven or twelve cents to the consumer is absolutely unjust.

As I said before on the floor of this Senate, it is not very comforting to the milk producing farmers of Pennsylvania, or to the people of Pennsylvania as a whole, to be compelled to be confronted with the fact that here in Pennsylvania, which contains this wonderful city, this metropolis, this City of Brotherly Love, about which we heard so much this evening, that the farmers of Pennsylvania are not getting half as large a share of the milk consumer's dollar as the milk producing farmers in Hitler's Germany are receiving. So it appears to me as a farmer, and so it appears to the farmers of my district.

I want to tell you that they are taking a tremendous interest in the milk situation in their part of the State, since the approval on the part of our Governor of the outrageous order of the Milk Control Board affecting the Pittsburgh area, approved by the Governor in the early days of this Administration. I say they are taking a tremendous interest in the milk situation, knowing in Butler County alone that that order takes off of farm incomes $240,000 a month, and is not only driving the farmers to despair but is also seriously affecting the merchants, on account of the decreased purchasing power of the farmers. It appears, I say, to the farmers of my district, and to me, that the immediate purpose of this

bill is to afford our much-promising Governor an opportunity to run out on the farmers, to run away from the fulfillment of the rosy promises he made them when running for office, I certainly ask that my colleagues in this Senate vote against this bill, unless they want to justify the action of the Governor, who, when running for office, promised us, the farmers, the earth, and then when he comes into office promptly forgets them and their troubles, and promptly runs out on them.

Mr. DENT. Mr. President, you would have to give me better reasons for voting for this bill than have been advanced to date; to say that the Governor has not the time to look into the contents of any order presented before him does not make sense, when we realize he has unlimited time in which to study any order which the Milk Control Board might write. During the Session of the Legislature the Governor must sign each and every bill presented to him by this General Assembly within ten days.

No order that has ever come from the Milk Control Board ever contained more than three pages and some of the bills going through here are pretty nearly the size of a book.

There is no use in saying the Governor should not have a certain amount of responsibility; he should have responsibility, just as the Senator who preceded me brought out. This is a very important phase of business and industry in Pennsylvania, and the Governor should be directly responsible for all orders emanating from that particular commission. I want to say I believe this bill is a nice bill to take the Governor off the spot. He can stop these orders if he so desires and yet, in the face of all the criticism after the first order was signed affecting the Pittsburgh market, he signed a later order affecting the market in Scranton and around that area; and I understand they presented him with an order affecting the Philadelphia area, and I suppose that order too must be signed.

Now, in regard to the promises made by Governor Earle, let me say this; this same Milk Control Board tried for six months to get Governor Earle to sign these very orders that are being signed now by Governor James, and if the Governor was not required to affix his signature to the rest of these orders, then six months ago the farmers in Pennsylvania would have been gypped out of the major portion of their income.

The blame and responsibility for the cut in the income of the farmers of Pennsylvania lies at the door of the Governor of this Commonwealth; and whether we pass this bill or not we cannot remove from him the onus of having signed orders that have destroyed the income of the major part of our farmers in Pennsylvania.

I think this Senate should think very deeply before passing this particular piece of legislation. Nothing we do here, as I have said before, will take away from this Administration, and this Governor, the onus of having signed milk orders that have destroyed the welfare of the farmers of Pennsylvania.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Delaware, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the gentleman state whether he wants this bill passed because the gentleman does not believe that the Governor knows enough about milk to be saddled with that responsibility?

Mr. HEYBURN. No, Mr. President, I was just getting ready to answer the Senator from Westmoreland, Mr. Dent. He is probably not familiar with the Milk Control Act. These orders are written, based on testimony gathered at a hearing. The order sometimes, it is true, is not over three or four pages in length, but the testimony upon which that order is based is sometimes hundreds and hundreds of pages, and it is utterly impossible for any Governor to study that testimony; and I would like to ask some of my brethren to the left whether or not they think the Governor should sign orders of the Public Utility Commission.

Mr. SHAPIRO. Mr. President, I should like to ask the Senator from Delaware whether this bill is to be passed at the request of the Governor?

Mr. HEYBURN. No, Mr. President.

Mr. SHAPIRO. Well, Mr. President, does not the gentleman think the Governor could be given veto powers over any order of the Milk Control Board which affects the price?

Mr. HEYBURN. Mr. President, probably, but the Governor has complete charge of the situation; he has responsibility for the Milk Control Board, the members of which can be removed for the cause, and if they write an order that is not fair the members can be removed.

Mr. SHAPIRO. Mr. President, does the gentleman think that the order recently signed by the Governor was a fair order?

Mr. HEYBURN. Which one, Mr. President?

Mr. SHAPIRO. The one, Mr. President, which reduced the price of milk as far as the farmer is concerned.

Mr. HEYBURN. In Western Pennsylvania, Mr. President?

Mr. SHAPIRO. That is correct, Mr. President.

Mr. HEYBURN. Mr. President, I do not think so, although I looked over that order and it was based on testimony offered at public hearings; and that is the point I am getting at. These orders are based on testimony given at public hearings. The Governor has no way of knowing how the witnesses were brought in; whether it was testimony offered by farmers favored by the dairy trusts; he is not there and does not hear the witnesses and has no way of knowing whether this testimony comes from favored farmers who are under the wings of the dairy trusts.

Mr. SHAPIRO. Mr. President, does the gentleman think this is wise, on so important a subject, to take away the control of orders of the Milk Control Board from the Governor, without inquiring whether he wants to be relieved or that responsibility or whether he wants to give up that prerogative?

Mr. HEYBURN. Mr. President, as I said before, the Governor still controls the Milk Control Board; he has the power to remove the members for cause.

Mr. SHAPIRO. Mr. President, the gentleman has not answered my question. I will put it again. Does the gentleman think in a matter so important as the control of milk and milk prices, that the veto power which the Governor has should be taken away from him without consulting the Governor?

Mr. HEYBURN. Well, Mr. President, if the Governor

does not like the bill he can veto it, according to the way the Legislature is being run at the present time.

Mr. SHAPIRO. Oh, Mr. President, the gentleman is not going to give me that story! I am sure I have heard that before. I am through.

Mr. DENT. Mr. President, I want to inform the Senator from Delaware I do not know what is in the Milk Control Bill, because I voted against it and made a speech against it in 1937. I want to state very frankly when the gentleman from Delaware says that the orders are issued after hearings, after testimony is taken that bills are passed here too after debate, and open hearings are given to the various persons interested; but that does not relieve the Governor of the responsibility of signing the bills passed by the General Assembly.

The Governor can veto bills, when they are not right, and he should veto them. I submit that is a very poor alibi and excuse, for the gentleman from Delaware, Mr. Heyburn, to come in here and say the Governor should not be asked to sign orders because he does not know what is in them. I would be ashamed to go before the people of Pennsylvania and say I signed orders, as the Governor did, when I did not know what was in them, and it was my bounden duty to know.

Mr. CAVALCANTE. Mr. President, I notice that this bill strikes out of Section 307 of the Milk Control Act the requirement of approval by the Governor where approval is necessary, but the title is not amended to conform with the amendment to the bill. As you will note, the title still contains the provision where the commission is authorized to fix prices for milk and certain milk products, subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto. Does not the gentleman from Delaware think that the title ought to be amended to conform with the amendment made in the body of the Act?

Mr. HEYBURN. Mr. President, I have no objection to the bill going over in its order for another day.

MOTION THAT BILL GO OVER IN ITS ORDER.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 859, on third reading, go over in its order so as to correct the title.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President the title will have to be amended.

Mr. OWLETT. Mr. President, I object to the bill going over in its order. With all due respect to the opinion of my colleague, the Senator from Fayette, Mr. Cavalcante, I think he is wrong. This title quotes the title of the previous Act, and then adds, "To amend an Act," and quotes the title of the previous Act, amending the previous Act by removing the requirement that the Governor approve rules, regulations, and orders issued by the commission.

I submit you would not amend the title as quoted, and I think that is not a proper objection. I think this bill should be voted on.

Mr. SIPE. Mr. President, may I further interrogate the Senator from Delaware, Mr. Heyburn, the sponsor of this bill.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. SIPE. Mr. President, did I understand the Senator from Delaware, Mr. Heyburn, as saying that the order affecting the Pittsburgh district, which made such a large reduction in the price paid to the farmers—did I understand him correctly as saying that that order was requested by the milk producing farmers who felt they were getting too much money; or thought they were getting too much money?

Mr. HEYBURN. Mr. President, based on the testimony—Yes. That is just what I was saying a while ago, there were certain farmers who more or less go along with the distributors, and they were used for testimony purposes and testimony purposes alone.

Mr. SIPE. Mr. President, does the Senator from Delaware, Mr. Heyburn, think that is reasonable; that if a butcher, for instances, would come around and offer a farmer ten cents a pound for his hogs, that he would say, no, that is too much money; do not give me that much; I want only five cents?

Mr. HEYBURN. Of course, not, Mr. President.

Mr. SIPE. Mr. President, the Senator from Delaware knows farmers better than that; I presume?

Mr. HEYBURN. Yes, Mr. President.

Mr. SIPE. Mr. President, the drastic order affecting the Pittsburgh district was requested by some farmer members and other members of the Dairymen's Co-operative Sales Association, which poses as a milk producer's organization, but which, in fact, is a part and parcel of the milk monopoly.

There are farmers that belong to it, certainly, but the major part of the milk it handles it purchases from farmers who do not belong to it and is simply, as a matter of fact, a dealers' organization. I am reliably informed that at least three of the directors of the Co-operative Sales Association are not residents of Pennsylvania, but are residents of Ohio who are interested in flooding the Pittsburgh market with the inferior milk that comes from Ohio, where there is no milk control and very little inspection of stables.

I want to say that the farmers of my district are wise to the Dairymen's Co-operative Sales Association. They are wise to the fact that it is a traitor organization to the bona fide milk producing farmers, and part and parcel of the milk monopoly, a wheel within a wheel; they are wise to that fact, At one of the hearings conducted by Senator Heyburn's own commission, which is investigating the milk situation in Pennsylvania, it was testified that the Secretary of this Dairymen's Co-operative Sales Association, this traitor organization to the farmers, was one of the milk monopoly representatives who talked Governor James into approving the Pittsburgh order, ably assisted by the milk monopoly lawyer from Pittsburgh, my good friend Mr. E. Lowry Hulme.

So, I want to get it before the members of this Senate that the order was not requested by bona fide milk producing farmers, but by an organization which is selling the milk producing farmer down the river, pretending to be a milk producers' association but, in fact, being a dealers' association; and, looking over this Senate Chamber today I saw the secretary of that organization, Mr. Howard B. Steele, within the sacred confines of this Holy chamber, down here probably, trying to talk the Governor into approving a drastic order for the Philadelphia district.

At the recent hearings of Senator Heyburn's commission, farmers from the Philadelphia district told me and others that already they are in the situation of receiving only a

little more than two and a half cents a quart for their milk, while Philadelphians pay twelve cents a quart for it; and they told me that if another order goes into affect, approved by the Governor, further reducing the price to the milk producing farmers of the Philadelphia area, there will be farm riots galore in that section of Pennsylvania.

I will simply close by saying what I have already said, —the Governor is not obliged to approve a Milk Control Board orders. He can approve or disapprove them as he sees fit; and it seems to me that any Governor of ordinary intelligence ought to see the absolute injustice of a price of less than three cents to the milk producing farmer and a price of eleven or twelve cents to the consumer, and in the meantime, the monopoly is growing larger and more powerful; the profits of the monopoly gravitating out of Pennsylvania, taken out of the pockets of the farmers of Pennsylvania and gravitating out of the State of Pennsylvania.

Of course, I can appreciate, how the Governor, the present Governor in view of the rosy promises that he made to the farmers with reckless abandon—likely having no hope that he would be elected, but having the desire to annoy the Democrats all he could—made the promises, made all kinds of promises, any kind of promises he thought would get the farmers' vote and now, being in a position where he can not deliver, he would like to run out on the farmers, and run out on the responsibility that he ought to have to a great industry of Pennsylvania, by getting this bill through.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I understood that the Senator from Fayette, Mr. Cavalcante, merely requested that the bill go over in its order and I objected. Therefore, there is nothing before the Senate but action on the final passage of the bill.

The PRESIDENT. There was a motion made.

Mr. HEYBURN. What is it, Mr. President?

The PRESIDENT. That the bill go over in its order.

Mr. REED. Mr. President, I seconded the motion.

The PRESIDENT. The motion, as I recall, was made by the Senator from Fayette, Mr. Cavalcante, and seconded by the Senator from Washington, Mr. Reed.

Mr. OWLETT. Mr. President, I submit that under the rules the bill cannot go over in its order unless there is unanimous consent. The motion must be a motion to postpone.

The PRESIDENT. The point of order is not well taken if it is only in a case which requires unanimous consent.

Mr. CAVALCANTE. Mr. President, I think that the gentleman from Tioga is probably right in his point of order, if he insists on it, but seeing it is only a quarter after eleven we have lots of time left.

The PRESIDENT. The Chair still says the question is on the motion which was made by the Senator from Fayette and seconded by the Senator from Washington.

Mr. OWLETT. Mr. President, I ask that the Senate vote down the motion.

The yeas and nays were required by Mr. CAVALCANTE and Mr. OWLETT, and were as follows, viz:

YEAS—16

Cavalcante,	Eroe,	Kilgallen,	Reed,
Coleman,	Frey,	Lanius,	Shapiro,
Dent,	Haluska,	McCreesh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Stiefel,

NAYS—28

Bartlett,	Farrell,	Kunkel,	Snowden,
Chapman,	Gelder,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Rice,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,

So the question was determined in the negative.

MOTION TO POSTPONE

Mr. REED. Mr. President, in view of the lateness of the hour—and I know there will be more discussion on this measure—and I also noticed, when the Senator from Armstrong, Mr. Sipe, was talking it was hard to hear what he said on account of the noise in the chamber, and I know the Senators are tired, I move that this bill be placed on the postponed calendar.

Mr. CAVALCANTE. Mr. President, I second the motion.

The yeas and nays were required by Mr. OWLETT and Mr. GELDER, and were as follows, viz:

YEAS—18

Cavalcante,	Frey,	Lanius,	Rice,
Coleman,	Gilson,	McCreesh,	Shapiro,
Dent,	Haluska,	McGinnis,	Sipe,
DiSilvestro,	Jaspan,	Reed,	Stiefel,
Eroe,	Kilgallen,		

NAYS—26

Bartlett,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	Mallery,	Tallman,
Crowe,	Geltz,	Miller,	Thomas,
Dando,	Heyburn,	Owlett,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,
Edmonds,	Kunkel,		

So the question was determined in the negative.

MOTION TO RECOMMIT

Mr. CAVALCANTE. Mr. President, I move that this bill be recommitted to the Committee on Agriculture.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. GELDER, and were as follows, viz:

YEAS—11

Cavalcante,	Gilson,	Kilgallen,	Rice,
Dent,	Haluska,	Lanius,	Stiefel,
Eroe,	Jaspan,	Reed,	

NAYS—33

Bartlett,	Farrell,	Letzler,	Sipe,
Chapman,	Frey,	Mallery,	Snowden,
Coleman,	Gelder,	McCreesh,	Stevenson,
Crowe,	Geltz,	McGinnis,	Tallman,
Dando,	Heyburn,	Miller,	Thomas,
Deitrick,	Homsher,	Owlett,	Walker,
DiSilvestro,	James,	Scarlett,	Wolfenden,
Ealy,	Kunkel,	Shapiro,	Woodward,
Edmonds,			

So the question was determined in the negative.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that this bill go over in its order.

Mr. DENT. Mr. President, I second the motion.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I have no objection to the bill going over in its order.

The PRESIDENT. Is there objection?

Mr. KUNKEL. Mr. President, I object.

POINT OF INFORMATION

Mr. OWLETT. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of information.

Mr. OWLETT. Mr. President, as I understand it, the Senator from Fayette, moved that Senate Bill No. 859, go over in its order.

The PRESIDENT. The Chair so understands.

Mr. CAVALCANTE. Yes, Mr. President, and seconded by the Senator from Washington, Mr. Reed.

The PRESIDENT. The Senator from Dauphin, Mr. Kunkel, apparently understood otherwise.

POINT OF INFORMATION

Mr. FREY. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Allegheny, Mr. Frey, will state his point of information.

Mr. FREY. Mr. President, how did the Senator from Tioga, vote?

Mr. OWLETT. Mr. President, I voted "aye."

The PRESIDENT. The Clerk will please answer the question of the Senator from Allegheny, Mr. Frey. How did the Senator vote?

The CLERK. The Senator from Tioga, Mr. Owlett, voted "aye."

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO, and were as follows, viz:

YEAS—33

Bartlett,	Ealy,	Homsher,	Owlett,
Cavalcante,	Edmonds,	James,	Reed,
Chapman,	Eroe,	Jaspan,	Scarlett,
Coleman,	Farrell,	Kilgallen,	Shapiro,
Crowe,	Gelder,	Lanius,	Sipe,
Dando,	Geltz,	Letzler,	Stiefel,
Deitrick,	Haluska,	McCreesh,	Wolfenden,
Dent,	Heyburn,	Miller,	Woodward,
DiSilvestro,			

NAYS—9

Frey,	Mallery,	Stevenson,	Thomas,
Gilson,	Snowden,	Tallman,	Walker,
Kunkel,			

So the question was determined in the affirmative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 870, (House Bill No. 1371), entitled:

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (P. L. 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kilgallen,	Scarlett,
Cavalcante,	Farrell,	Kunkel,	Shapiro,
Chapman,	Frey,	Lanius,	Sipe,
Coleman,	Gelder,	Letzler,	Snowden,
Crowe,	Geltz,	Mallery,	Stevenson,
Dando,	Gilson,	McCreesh,	Stiefel,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 874, (House Bill No. 465), on third reading entitled:

An Act to amend article three by adding thereto section three hundred and twenty and to amend sections nine hundred and one one thousand one hundred and five and one thousand one hundred and eleven of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for the arrangement and reorganization of business organizations under the National Bankruptcy Act for the further merger and consolidation of certain corporations and further regulating the dissolution of such corporations and the survival of remedies after dissolution

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 875, (House Bill No. 482), entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kilgallen,	Scarlett,
Cavalcante,	Farrell,	Kunkel,	Shapiro,
Chapman,	Frey	Lanius,	Sipe,
Coleman,	Gelder,	Letzler,	Snowden,
Crowe,	Geltz,	Mallery,	Stevenson,
Dando,	Gilson,	McCreesh,	Stiefel,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 881, (House Bill No. 780) on third reading, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 882, (House Bill No. 781), on third reading, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 893, (House Bill No. 996), on third reading entitled:

An Act to amend section three hundred eight and section seven hundred two as amended of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by facilitating the procedure to borrow money and to acquire or dispose of real estate and to facilitate the approval of amendments by members

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Mr. EALY. Mr. President, I move that further consideration of Senate Bill No. 905, (House Bill No. 1170), on third reading, entitled:

An Act providing for practical arts and vocational agriculture home economics and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. COLEMAN, Mr. President, I ask unanimous consent that Senate Bill No. 930, on third reading, entitled:

An Act to further amend section four hundred four of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

go over in its order, as its companion bill is also going over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 936, (House Bill No. 673), entitled:

An Act to amend subsections (6) and (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand fifty-three) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility

business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporatins (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" persons or corporations who furnish transportation of school children exclusively or transportation of materials in dump trucks

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WALKER. Mr. President, I ask unanimous consent to amend title, page 1, line 1 of title, by striking out the following: S "subsections (6) and (7)" and inserting in lieu thereof: "subsection (6);" amend title, page 3, line 15 of title, by striking out the word: S "definitions" and inserting in lieu thereof: "definition"; amend title, page 3, lines 16 and 17 of title, by striking out the words: S "and" "Contract Carrier by Motor Vehicle"; amend title, page 3, line 19 of title, by inserting after the word "of" the following: S "certain"; amend Sec. 1, page 3, line 1, by striking out the following: S "Subsections (6) and (7)" and inserting in lieu thereof: "Subsection (6)"; amend Sec. 1, page 5, line 17, by striking out the word: S "are" and inserting in lieu thereof: "is"; amend Sec. 1 (Par. 6), page 6, lines 11, 12 and 13, by striking out: S all of said lines, and inserting in lieu thereof: "ashes, rubbish, excavated and road construction materials"; amend Sec. 1 (Par. 7), page 6, lines 14 to 29, both inclusive, by striking out: S all of said lines; amend Sec. 1 (Par. 7), page 7, lines 1 to 6, both inclusive, by striking out: S all of said lines.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 590, (House Bill No. 737), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 953, (House Bill No. 1062), entitled:

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters; and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith including Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8, 1937.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

VERIFICATION OF THE ROLL

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The ayes were as follows: Messrs. Bartlett, Chapman, Crowe, Dando, Deitrick, Ealy, Edmunds, Eroe, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Owlett, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden and Woodward.

Mr. SHAPIRO. Mr. President, the Senator from Bucks, Mr. James, voted "no", and he is recorded as having voted "aye."

The PRESIDENT. For the information of the Senator from Philadelphia, Mr. Shapiro, the Senator from Bucks, Mr. James, just said he voted "aye."

Mr. JAMES. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. It will be so recorded.

Mr. OWLETT. Mr. President, I desire to change my vote from "aye" to "no."

The CLERK will proceed to call the negative roll.

The nays were as follows: Messrs. Cavalcante, Coleman, DiSilvestro, Frey, Gilson, Haluska, James, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Owlett, Reed, Rice, Shapiro, Sipe, Stiefel.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS.—24.

Bartlett,	Edmonds,	Homsher,	Stevenson,
Chapman,	Eroe,	Letzler,	Tallman,
Crowe,	Farrell,	Mallery,	Thomas,
Dando,	Gelder,	Miller,	Walker,
Deitrick,	Geltz,	Scarlett,	Wolfenden,
Ealy,	Heyburn,	Snowden,	Woodward,

NAYS—19.

Cavalcante,	Haluska,	Lanius,	Rice,
Coleman,	James,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Frey,	Kilgallen,	Owlett,	Stiefel,
Gilson,	Kunkel,	Reed,	

Less than a Constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 969, (House Bill No. 1036), on third reading, entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 971, (House Bill No. 1225), entitled:

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estates as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devise at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization or corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the right powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitlution, and were as follows, viz:

YEAS—43.

Bartlett,	Farrell,	Kunkel,	Shapiro,
Cavalcante,	Frey,	Lanius,	Sipe,
Chapman,	Gelder,	Letzler,	Snowden,
Coleman,	Geltz,	Mallery,	Stevenson,
Crowe,	Gilson,	McCreesh,	Stiefel,
Dando,	Haluska,	McGinnis,	Tallman,
Deitrick,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 982, on third reading, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing the board to issue permits for certain nets making it unlawful to make sell or possess certain nets and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED RESOLUTION RECALLING SENATE BILL No. 433

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 433, Printer's No. 62, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF SENATE BILL No. 433

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contributions

was passed finally, April 17, 1939.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye" "nay."

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye" "nay."

The motion was agreed to

And the question recurring,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend section 1, page 2, line 15 by inserting after the word "townships" and before "munici—" the following: (with underscoring) S "or other"; amend section 1, page 2, line 22 by inserting after the word "such" and before the word "contributions" the following, with underscoring: S "donations or".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered. That said bill be printed for the use of the Senate.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED RESOLUTION RECALLING SENATE BILL No. 268

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 268, Printer's No. 56, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

Which will lie on the table.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 853, on third reading postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 853, entitled:

An Act to amend subsection (a) of section twenty-nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers

municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward,
Edmonds,	James,		

NAYS—17

Cavalcante,	Haluska,	Lanius,	Rice,
Coleman,	Jaspan,	McCreesh,	Shapiro,
Dent,	Kilgallen,	McGinnis,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 854, on third reading postponed for the present.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 854, entitled:

An Act to amend subsection (a) of Section twenty-eight of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward,
Edmonds,	James,		

NAYS—17

Cavalcante,	Haluska,	Lanius,	Rice,
Coleman,	Jaspan,	McCreesh,	Shapiro,
DiSilvestro,	Kilgallen,	McGinnis,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS MEMBER OF PENNSYLVANIA TURNPIKE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Thomas J. Evans, Coaldale, Schuylkill County, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1945, and until his successor is appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. OWLETT,

That Rule 38 which requires nomination made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. OWLETT,

That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kilgallen,	Scarlett,
Cavalcante,	Farrell,	Kunkel,	Shapiro,
Chapman,	Frey,	Lanius,	Sipe,
Coleman,	Gelder,	Letzler,	Snowden,
Crowe,	Geltz,	Mallery,	Stevenson,
Dando,	Gilson,	McCreesh,	Stiefel,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, from the Committee on Judiciary General, reported as committed, Senate Bill No. 648, entitled:

An Act to further amend section one of the act, approved the nineteenth day of June, one thousand nine hundred eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole, and extending the powers and duties of boards of prison inspectors of penitentiaries," permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 384, (House Bill No. 349), entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 393, (House Bill No. 298), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 439, (House Bill No. 300), entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 520, (House Bill No. 299), entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 523, (House Bill No. 664), on second reading, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO RECOMMIT SENATE BILL No. 746.

Mr. SHAPIRO. Mr. President, this bill makes drastic changes in the election laws. I move that this bill be recommitted to the Committee on Elections for the purpose of further study.

Mr. OWLETT. Mr. President, I object.

Mr. SHAPIRO. Mr. President, I ask that this bill be read at length.

Mr. FARRELL. Mr. President, I offer the following amendments:

The PRESIDENT. Was the motion that this bill be read at length seconded?

Mr. SHAPIRO. Mr. President, I ask that this bill be read at length.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro has requested that the bill be read at length.

Mr. SHAPIRO. Mr. President, if there are amendments to the bill I have not heard them.

Mr. FARRELL. Mr. President, I wish to offer amendments.

MOTION WITHDRAWN

Mr. SHAPIRO. Mr. President for the time being I withdraw the motion to have the bill read at length.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 746, as follows:

Section 1 Sections four hundred fifteen six hundred twenty-nine nine hundred seventeen nine hundred eighty clause (b) of section one thousand two hundred sixteen section one thousand two hundred seventeen one thousand four hundred ten one thousand four hundred seventeen and one thousand six hundred four of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" are hereby amended to read as follows

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I move to amend Sec. 1, page 2, line 5, by striking out the following: S "one thousand four hundred ten"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. SHAPIRO. In view of these amendments I think it becomes more important that the bill be studied. I have no desire to prolong these proceedings but I do propose, whenever bills are proposed, affecting the election code to the extent this bill does that they should be given more careful consideration. This amendment strikes from the election code a complete section dealing with the election laws and I certainly do not think this bill should be passed now, and if that is the purpose I insist that the bill be read at length now, so that the Senators may understand.

And the question recurring,

Will the Senate agree to the section as amended?

It was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I desire to know whether the amendments have been adopted.

The PRESIDENT. They have.

Mr. OWLETT. The Senator from Philadelphia, Mr. Shapiro, has asked that the bill be read at length. If the Senator wants to do that and insists on it as a filibuster in the Senate, I suppose we will have to do it.

Mr. SHAPIRO. Mr. President, I object to my action being characterized as a filibuster.

Mr. OWLETT. That is all it is, Mr. President.

Mr. SHAPIRO. I say, Mr. President, that this is a bill affecting elections and this amendment takes a complete section out of that election code, and I want the Senate to understand what is going on. If in a matter of such importance the Senator will not agree that the Committee study the bill again, then I am right in my position.

The CLERK will continue to read the bill:

Section 415 Overseers of Election On SC the petition of five or more duly registered electors of any election district setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of any primary or election in said district the court of common pleas of the proper county all the law judges of the said court able to act at the time concurring may in its discretion appoint two judicious sober and intelligent electors of the said district belonging to different political parties overseers of election to supervise the proceedings of election officers thereof and to make report of the same as they may be required by such court Said overseers shall be persons qualified to serve upon election boards but shall not be required to comply with the provisions of section 414 of this act They shall be sworn or affirmed by the judge of election to the faithful discharge of their duties and each shall sign said oath in duplicate and shall have the right to be present with the officers of such primary or election within the enclosed space during the entire time the same is held the votes counted and the returns made out and signed by the election officers to keep a list of voters if they see proper to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right of suffrage at said primary or election and to examine his papers produced Overseers shall sign returns of elections as hereinafter required Whenever the members of an election board shall differ in opinion the overseers if they shall be agreed thereon shall decide the question of difference

Mr. SHAPIRO. Mr. President, the clerk is not reading the bill according to the bill on the calendar. This bill does not provide it shall be the duty of the Court of Common Pleas to appoint overseers but it strikes out the thought it is the duty of the court to appoint overseers. It says the Court "may in its discretion" appoint and I wish the Senate to know that.

The PRESIDENT. I think the clerk misread the portion referred to by the Senator.

Mr. SHAPIRO. I understand that, Mr. President.

The PRESIDENT. The Clerk will reread the section.

The CLERK re-read Section 1 (Section 415)

Mr. SHAPIRO. Mr. President, I ask the Senate to vote down the amendments to this section. I should like to call your attention to the fact that this amendment provides that, whereas heretofore on petition of five citizens they could appear before the court and allege that in their opinion a proper election could not be held unless overseers be appointed and it was then the duty of the court to appoint those overseers—this amendment provides that instead of it being the court's duty to appoint those overseers it is within the "discretion" of the court whether they shall appoint them even after petition by certain people that a proper election cannot be held.

I think it is a violation of our rights under citizenship; we ought to have the right to have these overseers; that would be the duty of the Court to appoint these overseers, because it is the people in the division who know whether or not they really have honest elections, not the judge who sits in court and knows nothing about the conditions at the polling place.

The PRESIDENT. Does the Senator understand the clerk is now reading the section as amended?

Mr. SHAPIRO. Mr. President, I am talking about the amendments to the section, section No. 415, "Overseers of Election" which section is affected by the amendment offered today.

The PRESIDENT. Well, now we are reading the section as amended; and the Senator is objecting to that particular amendment; is that correct?

Mr. SHAPIRO. Mr. President, that is correct.

The PRESIDENT. What is the Senator's motion?

Mr. SHAPIRO. Mr. President, my motion is that the Senate vote down the amendment to that section.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. OWLETT. Mr. President, I rise to inquire whether a vote "no" is a vote to defeat the motion of the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. That is correct.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. EDMONDS. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Montgomery, Mr. Edmonds, will state his question of parliamentary inquiry.

Mr. EDMONDS. I should like to ask whether this is a vote on the amendments just offered by the Senator from Philadelphia, Mr. Farrell?

The PRESIDENT. No, they were adopted. This was a committee amendment, if I understand correctly.

Mr. EDMONDS. Mr. President, is it the motion of the Senator to strike out the entire section?

Mr. SHAPIRO. Mr. President, my motion is not to vote for the amendment. The Senate is now being asked to vote for the section as amended and my motion is that they do not vote for the section as amended.

Mr. EDMONDS. Then, Mr. President, you strike out the whole section.

Mr. SHAPIRO. Mr. President, that may be the amendment, but I say they cannot strike out the section because the section is the law. What you strike out is the amendment, when you vote "no."

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I understand that a vote "no" defeats the amendment.

The PRESIDENT. No, it is just the opposite; a vote "aye" supports your motion to strike out.

Mr. FARRELL. Mr. President, I still do not understand. I still do not know what we are voting on.

The PRESIDENT. The section was read and the Senator from Philadelphia, Mr. Shapiro, then moved that that section, as read, be stricken out. Now, a vote "aye" would strike out that section, and a vote "no" leaves it as reported by the Committee as read.

Mr. FARRELL. Mr. President, I voted "no."

Mr. EDMONDS. Mr. President, are you still listening to parliamentary inquires?

The PRESIDENT. We are.

Mr. EDMONDS. It is my thought in the matter that the committee amendment struck out the words "it shall be the duty of," the Court of Common Pleas of the proper county, of its own volition and upon concurrence of all the judges able to act at the time, and later on it says "may in its discretion." I understand that will go out.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I understand that the section of this bill is now the law; is that correct?

The PRESIDENT. That is correct.

Mr. SHAPIRO. Mr. President, The only thing we are voting on is the amendment and not on the section. We are voting on the amendment; and that is to remove it shall be the "duty" of the court to appoint and substitute "discretion." We are not voting on the bill, we are voting on the amendment.

The PRESIDENT. The question was "will the Senate agree to the section as amended?"—as just read. That would mean the whole section.

Mr. SHAPIRO. Mr. President, if the Senate does not agree to the section as amended then the section stands but the amendment does not.

Mr. GELDER. Mr. President, if the gentleman from Philadelphia, Mr. Shapiro, wants to strike out the amendment he would have to move to strike that amendment off.

Mr. SHAPIRO. Mr. President, if we voted this whole bill down the law would be as it is, and if we are voting it down section by section the law remains in each section as it is.

Mr. OWLETT. Mr. President, I suggest we are reading this bill for the second time. It has been amended on the floor and it has been amended in committee. The section has been read as amended, and the question now is whether we agree to the section or do not agree to the section. If we do not agree to the section, the whole section falls.

The PRESIDENT. That is the Chair's understanding.

Mr. SHAPIRO. No, Mr. President, may I be heard on that?

The PRESIDENT. The Senator may be heard.

Mr. SHAPIRO. Mr. President, I understand the Chair is attempting to be fair, but I would like to make my position clear.

The PRESIDENT. The Chair does not want to criticize

the Senator from Philadelphia, Mr. Shapiro, but it seems to the Chair that the Senator is trying to make two different statements. First it was to strike out the amendments to that section, and then subsequently he inquired as to what we were voting on; and the Chair said the Senate is voting on the section as amended, and that would mean the whole.

Mr. SHAPIRO. Mr. President, as far as the Chair has gone I agree with that ruling, that we are voting on the section as amended.

The PRESIDENT. That is correct.

Mr. SHAPIRO. Now, Mr. President, since the section is the law until it is amended, if we defeat the section as amended, the section stays the law, as is, without the amendment; and I, therefore, suggest to the Chair that what we are voting on, in effect, is the amendment and not the whole section; and if we vote on the section, as amended, the law stands as it is and the section is defeated.

If we vote the whole bill down that would not mean the law is destroyed; and that is what my colleague from Tioga would like his colleagues to understand; so that that would not destroy the bill; the law stands as is if we vote it down section by section, the law stands as to the other sections; these are amendments only to sections.

Mr. OWLETT. Mr. President, if a bill before this Senate is to be amended, everybody knows what the procedure is: amendments are handed up and those amendments are offered. Now if the Senator from Philadelphia, Mr. Shapiro, wants to strike out these strike-out brackets, which is the efiect of what he says we are voting on, first he must offer an amendment to Section 415, the section we are considering. That is the usual procedure.

The PRESIDENT. The Chair would like to know when the amendments, that are in dispute, were put in the bill.

Mr. SHAPIRO. Mr. President, in Senate committee.

Mr. OWLETT. Now, Mr. President, if the Senator from Philadelphia wants to change those amendments to this bill, which is on second reading, he must offer amendments which will strike out the amendments and restore the bill.

He does not take that procedure, but asks, when you read a section as amended to vote "no" which strikes out the whole section.

If the Senator wants to change this section, as it was amended in Committee, he should offer an amendment. This is on second reading, and he has offered no amendments.

The PRESIDENT. This bill was amended in Committee and reported out.

Mr. CAVALCANTE. As amended, Mr. President.

The PRESIDENT. As amended. Then it was read here on first reading and prepared for second reading, and then when it passed first reading it then became an amended bill, and you cannot separate the two on second reading.

Mr. SHAPIRO. Mr. President the purpose of voting on this second reading is to vote on these amendments. This bill can fall at any time and still the law would remain as is. We are now voting on whether we shall aceept this bill on second reading, as amended. If we do not accept it on second reading—

The PRESIDENT. The bill was not amended on second reading. The bill was amended in committee, reported out, and then, as reported out, was passed on first reading.

Mr. SHAPIRO. Mr. President, that is correct.

The PRESIDENT. And that is your amended section. The only way you can amend that now is by introducing amendments.

Mr. SHAPIIRO. Mr. President, it does not make any difference whether this section falls or not, the old law remains the same. What happens here is that we are voting on this section as amended.

The PRESIDENT. Absolutely, I agree with the Senator on that. If this amendment or section is defeated the old law remains as is.

Mr. SHAPIRO. Well, Mr. President, I am satisfied to that; I do not raise any question about that.

The PRESIDENT. The Chair has endeavored to be fair, and to make his rulings plain on that, and he thinks he has.

Mr. SHAPIRO. That is correct, Mr. President.

The PRESIDENT. Now, the question is on that particular section as read.

On the question,

Will the Senate agree to the section as read?

Mr. SHAPIIRO. Then, Mr. President, I understand a vote "aye" carries my motion to defeat the section.

The PRESIDENT. That is correct.

And the question recurring.

Will the Senate agree to the section as read?

The yeas and nays were required by Mr. SHAPIRO.

YEAS—17.

Cavalcante,	Eroe,	Heyburn,	Rice,
Coleman,	Frey,	Jaspan,	Shapiro,
Dent,	Gilson,	Kunkel,	Sipe,
DiSilvestro,	Haluska,	Reed,	Stiefel,
Edmonds,			

NAYS—21.

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Homsher,	Owlett,	Thomas,
Deitrick,	James,	Scarlett,	Walker,
Ealy	Letzler,	Snowden,	Wolfenden,
Farrell,			

So the question was determined in the negative.

The PRESIDENT. The motion falls, and the section stands as read; the section is approved as read.

The Clerk will continue to read the next section of the bill.

Section 629 Nominations for Special Election for Representative in Congress and Senator and Representative in the General Assembly Candidates to fill vacancies in the offices of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties in accordance with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 952 and 954 of this act Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth at least fifty (50) days before the special election unless said writ is issued within sixty (60) days before the election in such case such nomination certificates and nomination papers shall be filed not later than ten (10) days after the issuance of the writ of election

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Now, Mr. President, I call to the attention of the members of the Senate that apparently this section, together with others in this bill, is aimed at a particular condition which exists in this State today, and I contend that this bill is amended for that purpose. I ask my colleagues to vote these amendments down.

The PRESIDENT. Will the Senate agree to Section 629 as read?

Mr. SHAPIRO. Mr. President, I ask for a roll call, and a statement from the Chair as to the effect of the vote.

The PRESIDENT. The vote is on the adoption of the section as read. Do I hear a second to the motion that has been made?

Mr. JASPAN. Mr. President, I second the motion. I understand that would mean that this section is rejected?

The PRESIDENT. No, we are voting whether we shall pass the section and a vote "no" kills the section, and a vote "aye" is in favor of it.

Mr. EDMONDS. Mr. President, that is just the reverse of the last vote.

Mr. SHAPIRO. We were voting on my motion before.

Mr. DENT. Mr. President, we are voting on a section of the bill now.

The PRESIDENT. We are voting on the adoption of the section as read.

And the question recurring,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no."

The yeas and nays were required by Mr. SHAPIRO, and were as follows, viz:

YEAS—23.

Bartlett,	Gelder,	Mallery,	Tallman,
Cavalcante,	Geltz,	Miller,	Thomas,
Chapman,	Heyburn,	Owlett,	Walker,
Coleman,	Homsher,	Scarlett,	Wolfenden,
Deitrick,	James,	Snowden,	Woodward,
Farrell,	Letzler,	Stevenson,	

NAYS—12.

Dando,	Edmonds,	Gilson,	Rice,
Dent,	Eroe,	Haluska,	Shapiro,
DiSilvestro,	Frey,	Jaspan,	Stiefel,

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I have been assured that after this bill has been read the second time, if it becomes necessary to offer amendments, it will be brought back to second reading. Therefore, when this bill comes up tomorrow I shall ask that it go over in its order to give us time to reconsider the matter; and I therefor withdraw my request that the bill be read at length.

What I am saying now, is that I understand, when the bill comes up tomorrow it will go over in its order to give opportunity to prepare the proper amendments. I am not binding the opposition to pass the amendments.

MOTION WITHDRAWN

Mr. SHAPIRO. In view of that assurance I withdraw my motion that this bill be read at length, or, rather, instead of withdrawing my motion I ask that the bill be proceeded with.

The balance of section 1 was read as follows:

Section 917 Manner of Filling Vacancy Caused by Death of Person Named in Nomination Petition Where a nomination petition has been duly filed for any primary under the provisions of this article and thereafter and before the day of the primary the candidate named in said petition dies the original signers of said petition or the majority of them may sign another petition proposing a new candidate for said office at any time prior to the printing of the ballots or ballot labels Such petition shall be accompanied by the affidavit of the new candidate in the same manner as required of the original candidate in the original petition Said petition shall have the same force and effect as the original petition and the name of the candidate so nominated shall be substituted for that of the deceased candidate

Section 980 Substituted Nominations by Political Bodies In case of the death or withdrawal of any candidate nominated by any political body by nomination papers the committee named in the original nomination papers may nominate a substitute in his place by filing in the proper office a substituted nomination certificate which shall set forth the facts of the appointment and powers of the committee (naming all its members) of the death or withdrawal of the candidate and of the action of the committee thereon giving the name residence and occupation of the candidate substituted thereby and the truth of these facts shall be verified by the affidavit annexed to the certificate of at least two members of the committee In the case of a vacancy caused by the death of any candidate said substituted nomination certificate shall be accompanied by a death certificate properly certified Provided however That no substitute nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for the same office or who is a candidate for nomination by any political party for the same office at a primary to be held before the next general or municipal election

Section 1216 Instructions of Voters and Manner of Voting in Districts in Which Voting Machines are Used

* * * *

(b) If any voter after entering the voting machine booth and before the closing of such booth shall ask for further instructions concerning the manner of voting any qualified elector of such election district whom the voter shall designate may give him such instructions but no person giving a voter such instructions shall in any manner request suggest or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question After giving such instructions and before the elector closes the booth or votes the person giving such instructions shall retire and the elector shall forthwith vote

Section 1217 Time Allowed Elector in Voting Booth or Voting Machine Compartment No elector shall remain in a voting compartment or voting machine booth an unreasonable length of time and in no event shall he be allowed more than three minutes to vote even if both paper ballots and voting machines are in use and if he shall refuse to leave after said period he shall be removed by the election officers Provided however That they may grant him a longer time if other electors are not waiting to vote

Section 1410 Returns of Local Officers Voted for in Two or More Counties Certificates of Election Returns of County and Local Officers Commissioned by Governor to be Transmitted to Governor Commissions Contests

(a) In the case of any city borough township ward school district or poor district office or of the submission of any questior to the electors voted for or upon by the electors of two or more counties or parts of counties the county election board in each of the counties in which such municipality is located shall certify to the county board of the county in which reside the majority of registered electors of such city borough township ward school district or poor district the return of the vote cast for such officers or upon such questions After completing the tabulation of such returns the return board of said county shall issue certificates of election to the successful candidates In case of any county borough city or township officer who is by law required to be commissioned by the Governor the said return board shall also transmit a certified copy of such return to the Secretary of the Commonwealth who shall forthwith lay the results of such election before the Governor

(b) In case of the election of judge of a court of record prothonotary clerk of the courts recorder of deeds register of wills or any other officer required by law to be commissioned by the Governor in any of the several counties of this Commonwealth it shall be the duty of

the county elections board to transmit immediately to the Secretary of the Commonwealth a certified copy of the returns for all such offices The Secretary of the Commonwealth shall forthwith lay the return so made before the Governor and the Governor shall issue a commission to any person elected to said offices notwithstanding that the election of such person to any or either of said officers may be contested in the manner provided by this act and such person shall be entitled to take the office to which he was elected and perform the duties thereof until the final decision of the tribunal having jurisdiction of such contested election

(c) Whenever it shall appear by the decision of the proper tribunal having jurisdiction of a contested election that the person to whom said commission shall have been issued has not been legally elected to the office for which he has been commissioned then a commission shall issue to the person who shall appear to be legally elected to said office the issuing of which commission shall nullify and make void the commission already issued and all power and authority under said commission first issued shall thereupon cease and determine

Section 1417 Persons Receiving Highest Number of Votes to Be Declared Elected Except as otherwise provided by law the person receiving the highest number of votes for any office at any election shall be declared elected to such office up to the number required by law to be elected thereto When the election of any such person to such office is contested in the manner provided by this act such person shall be entitled to take his office and perform the duties thereof until the final decision of the tribunal having jurisdiction of such contested election

Section 1604 Contributions by Agent Vouchers Payment of Petty Expenses

(a) It shall be unlawful for any person to make any contribution for primary or election expenses with funds designated or given to him for the purpose by any other person firm or corporation Each person making a contribution for primary or election expenses shall do so only in his own name

(b) Every payment made by a candidate or treasurer of a political committee for or in respect to any primary or election expenses amounting to ten dollars or more shall be vouched for by a bill stating the payment and by a receipt

(c) Any person may if so authorized in writing by a candidate pay in behalf of the candidate the necessary expenses of the candidate for stationery postage telegraph telephone and public messenger services and traveling expenses including carfare gasoline hotel bills and other petty expenses Each person so authorized shall be reimbursed by the candidate or by a treasurer of a political committee supporting his candidacy for the amount so paid upon the submission of a sworn statement of the payment or payments made by him which shall be vouched for by a bill containing the receipt of that person

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I move to amend Sec. 1 (Sec. 1410), page 8, lines 3 to 29, both inclusive, by striking out: S all of said lines; amend Sec. 1 (Sec. 1410), page 9, lines 1 to 22, both inclusive, by striking out: S all of said lines.

Mr. OWLETT. Mr. President, I second the motion

On the question,

Will the Senate agree to the amendment?

It was agreed to

On the question,

Will the Senate agree to the section as amended?

It was agreed to

The second section of the bill was read as follows and agreed to.

Section 2 The provisions of this act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" further regulating the appointment of overseers the nomination of candidates for special elections the nomination of substituted candidates giving instructions to voters time allowed for voting and the payment of certain contributions for primary and election expenses and prescribing the affect of contest proceedings pending final decisions thereon

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 855, as follows:

An Act to further amend subsection A of section three hundred and two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of personnel where no person on eligible list has resided in a district required length of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of section three hundred and two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of cer-

tain property making disposition of the receipts from State stores and of fees and imposing penalties" as amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 302 Selection of Personnel A No officer or employe except as otherwise hereinafter provided shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located except where a person has been employed in a liquor store for a period of two or more years and becomes a bona fide resident of another county in which case he may be employed in a liquor store in the county to which he has removed

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him or herself and that no application blank shall require the color religion or political affiliation of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the the service to which they seek to be appointed but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examinations shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by a committee designated by the department with the approval of the Governor consisting of school teachers in this Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles All examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by the department and each committee shall consist of three persons

Except as hereinafter provided all offices places and employments in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and in the district in which such appointee is to be employed for a period of not less than six months prior to such appointment and who shall have satisfactorily passed the examination except in cases of filling offices places and employments of typists stenographers file clerks telephone operators account clerks and bookkeepers where no person living in a district shall be on the eligible list for such offices places and employments in which cases the board may fill such vacancy by the appointment of a person on the eligible list irrespective of his residence in a district The persons receiving the highest grade shall be first appointed and so on and during their employment such appointees shall be at all times residents of this Commonwealth

If a list of eligibles certified by the Department of Public Instruction is available for any position another examination shall not be given until after the expiration of twelve months from the date of the last examination for that position Such subsequent examination may be held in the discretion of the board at any time after the expiration of such twelve month period and when such subsequent examination has been held and the list therefrom duly certified by the Department of Public Instruction the previous list shall expire and no further appointment shall be made from such previous list Provided That when a position is to be filled by appointment from a list of eligibles and a list of persons eligible for appointment to such position is not available examinations shall be held for that position at the earliest convenient date after the vacancy occurs

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 923, (House Bill No. 1266), entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania

And said bill having been read at length the second time and agreed to,

Oredred, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 957, (House Bill No. 1030), entitled:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries re-

ceived by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practice and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death increasing powers and duties of the board and imposing additional penalties and generally amending clarifying and changing the provisions of said act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 958, (House Bill No. 1031), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred thirty-seven (P. L. 2714) entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions, and procedure related to such diseases; and making an appropriation."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 961, (House Bill No. 1301), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, providing their dependents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 962, (House Bill No. 1302), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended; to exempt domestic servants and agricultural workers from the provisions thereof except in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 963, (House Bill No. 1401), entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating medical boards to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 995, on second reading, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page the names of the owners proprietors or publishers and the managing editors of the same and providing a penalty

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 648, entitled:

An Act to further amend section one of the act, approved the nineteenth day of June, one thousand nine hundred eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole, and extending the powers and duties of boards of prison inspectors of penitentiaries," permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1011, entitled:

An Act to further amend section nineteen of the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," by imposing upon certain fraternal benefit societies, the expenses incurred by the Insurance Department, in making examinations of such societies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1019, (House Bill No. 1203), entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying e. penses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1020, (House Bill No. 1424), entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length, the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1021, (House Bill No. 1425), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1022, (House Bill No. 1426), entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length, the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMITT BILLS Nos. 957, 958, 961, 962 AND 963

Mr. OWLETT. Mr. President, I move that Senate Bills Nos. 957, 958, 961, 962, and 963, on pages 37 and 38 of today's Calendar, which have just been read the second time, be recommitted to the Committee on Labor and Industry for the purpose of a Public Hearing.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, May 16, 1939, at 2:00 o'clock p. m., E. S. T.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m. until Tuesday, May 16, 1939, at 2:00 o'clock, p. m., E. S. T.

HOUSE OF REPRESENTATIVES

MONDAY, May 15, 1939.

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our Heavenly Father, as we meet at the doorway of another day's labors, we would be made worthy of Thy confidence and guidance. To Thee, O Lord, we come with all our limitations, thanking Thee that when we lift our faces, we find that Thou art not gone. Give us hearts to believe and minds to trust in Thy word of truth. May we hear the Psalmist speak unto us, "Except the Lord build the house, they labor in vain who build it." "They that trust in God shall be as Mount Zion." O Father, give each of us such a reach of soul that we shall surely share Thy purity and strength. Keep before us not selfish success, not egotistical greatness, not personal victory; but fidelity to public good, and faithfulness to Jehovah, so that when the work of life is done, we shall sit down with God's redeemed and share heaven's immortal joy and fellowship through Jesus Christ our Saviour. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 11, 1939.

The Clerk proceeded to read the Journal of Thursday, May 11, 1939, when, on motion of Mr. BOIES, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

CITY CHARTER—PHILADELPHIA

Communications from The Business and Professional Woman's Club of Philadelphia;

The National Council of Jewish Women of Philadelphia; advocating submission of City Charter to vote of citizens of Philadelphia.

Referred to the Committee on Cities—First Class.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 268, 546, 378, 386 AND 632.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 268, Printer's No. 544, entitled "An Act to add section six hundred and two and one-tenth to article six of the act aproved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' further regulating the sale of unused and unnecessary land and buildings by boards of school directors."

House Bill No. 546, Printer's No. 531, entitled "An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' by eliminating certain provisions relating to retirement age of a major general in command of the National Guard and making further provision for the appointment of an Adjutant General."

House Bill No. 378, Printer's No. 137, entitled "An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents' authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell."

House Bill No. 386, Printer's No. 170, entitled "An Act to amend section four hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended providing that boards of school directors may become members of the State School Directors Association and bear a proportionate part of the expenses of such association."

House Bill No. 632, Printer's No. 200, entitled, "An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled 'A supplement to an act entitled "An act for the Government of cities of the second class," approved the seventh day of March Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes,' further defining the powers of the planning commission in cities of the second class."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 28, 358, 444, 733 AND 919.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 28, Printer's No. 588, entitled "An act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health."

House Bill No. 358, Printer's No. 109, entitled "An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 388) entitled 'An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines be-

tween adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics habitual drunkards, or weak-minded persons. a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees,' by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases."

House Bill No. 444, Printer's No. 567, entitled "An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in smiliar boards superseded by the fund and board herein created' by changing the amount and method of contributions for and payment of death benefits."

House Bill No. 733, Printer's No. 236, entilted, "An Act defining the civil service status of certain persons employed by fire departments in cities of the second class."

House Bill No. 919, Printer's No. 253, entitled, "An Act to further amend section four hundred four of the act approved the seventeenth day of May on thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 305

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 305, Printer's No. 642, entitled, "An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties."

ARTHUR H. JAMES.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows

In the Senate, May 12, 1939.

Resolved, (if the House of Represenattives, concur), That Senate Bill No. 433, Printer's No. 62, entitled:

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contributions

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 259.

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by elim-

inating certain general regulations in the making of insurance contracts by townships

HOUSE BILL No. 424.

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending and/or repealing inconsistent legislation

HOUSE BILL No. 284.

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights power and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath of affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testimentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

HOUSE BILL No. 573.

An Act to amend section four hundred and forty-six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

HOUSE BILL No. 624.

An Act to amend section nine of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly

HOUSE BILL No. 285.

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the election of auditors

HOUSE BILL No. 616.

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations

HOUSE BILL No. 902.

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one, (Pamphlet Laws 1206) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

HOUSE BILL No. 559.

An Act to reenact and further amend section two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns, or townships or any combination thereof.

HOUSE BILL No. 487.

An Act to amend clause (a) of section one thousand two hundred and sixteen, as added to the act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," changing qualifications for sabbatical leaves of absence for certain employes of school districts.

HOUSE BILL No. 1057.

An Act to repeal the act approved the second day of July, one thousand nine hundred and thirty-seven, (P. L. 2688), entitled "An act to provide for the conservation, protection, improvement, and profitable use of agricultural land resources in the State of Pennsylvania, and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said act; to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee, and in conformity with the provisions of said act, to designate and authorize said committee, as the State agency of this State, in conformity with such provisions, to formulate, submit to the Secretary of Agriculture of the United States. and administer State plans to carry out the provisions of this act; to define the powers and duties of said committee as such State agency; to provide for the selection of its members and otherwise to provide for the administration of this act; and making an appropriation."

HOUSE BILL No. 649.

An Act to add clause twenty-one to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating, and changing the law relating thereto," by authorizing appropriations for the suport, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

HOUSE BILL No. 899.

An Act to amend section 571 of the act approved May first one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by changing the conditions of the tax collectors bond fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township county and school institution and poor district taxes

HOUSE BILL No. 1189.

An Act to amend section six hundred and ten of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors

HOUSE BILL No. 1234.

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads highways bridges and tunnels by purchase or the exercise of the right of eminent domain providing for the acquiring of fee simple title thereto and the issuance of bonds therefor

HOUSE BILL No. 741.

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken

HOUSE BILL No. 1078.

An Act to further amend section twenty-four of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by redefining deductions in case of reinsurance.

HOUSE BILL No. 1094.

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

HOUSE BILL No. 1117.

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges; including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by redefining deductions in case of reinsurance.

HOUSE BILL No. 896.

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled, "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing a method for the valuation of real property for taxation purposes.

HOUSE BILL No. 1253.

A Supplement to the act, approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

HOUSE BILL No. 1201.

An Act to amend section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 796) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographic film reproductions or photographs or photostatic copies of certain original records

HOUSE BILL No. 1257.

An Act to amend the title Section 1 as amended and Sections 5 11 12 13 14 16 17 18 21 and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 567) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto" by transferring administration of the act to the Department of Agriculture defining "Department" and changing penalties

HOUSE BILL No. 297.

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their elective evidence in all cases

HOUSE BILL No. 623.

An Act to furthr amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

HOUSE BILL No. 792.

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight one thousandths (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the services of legal process thereupon

HOUSE BILL No. 913.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

HOUSE BILL No. 956.

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

HOUSE BILL No. 961.

An Act authorizing transfer of sums of money from the General Fund to the State Stores Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers

HOUSE BILL No. 1127.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

HOUSE BILL No. 1148.

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E Garrett deceased

HOUSE BILL No. 1164.

An Act to amend clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts

HOUSE BILL No. 1172.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

HOUSE BILL No. 1173.

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

HOUSE BILL No. 1174.

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

HOUSE BILL No. 1175.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

HOUSE BILL No. 1176.

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

HOUSE BILL No. 1177.

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

HOUSE BILL No. 1178.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

HOUSE BILL No. 1243.

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

HOUSE BILL No. 1244.

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview

HOUSE BILL No. 1245.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

HOUSE BILL No. 1246.

An Act Making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

HOUSE BILL No. 1249.

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways

HOUSE BILL No. 1382.

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions at its sessions of one thousand nine hundred thirty-three and one thousand nine hundred and thirty-five

HOUSE BILL No. 642.

An Act to amend the title and section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines

HOUSE BILL No. 1093.

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred seventy-nine) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law

HOUSE BILL No. 1320.

An Act to amend the act approved the fifteenth day of July one thousand nine hundred nineteen (Pamphlet Laws nine hundred fifty-four) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness

HOUSE BILL No. 272.

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

HOUSE BILL No. 1075.

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

HOUSE BILL No. 1149.

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," authorizing payment by the board to a credit union where rights have been assigned, and the note is unpaid; and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 414.

An Act authorizing school districts of the first class to fund floating indebtedness incurred prior to December 31 1939 for current expenses and debt service and to issue and sell bonds for this purpose.

SENATE BILL No. 415.

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

SENATE BILL No. 488.

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for fire protection and to pay therefor out of their appropriations for support and maintenance.

SENATE BILL No. 673.

An Act to amend section one of the act approved the first day of December one thousand nine hundred and thirty-eighth (Pamphlet Laws 111) entitled "An act making illegal the furnishing of certain telephone and tele-

graph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" by excluding therefrom private wires used for fire and burglar alarm purposes telegaph messenger call boxes and associated circuits time clock circuits and certain telegraph teleprinters.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN because of illness for the remainder of the week.

Mr. Munley asked and obtained leave of absence for Mr. CORDIER for tonight's session.

Mr. Goll asked and obtained leave of absence for Mr. CALVIN for tonight and tomorrow's session.

REPORTS FROM COMMITTEES

Mr. ROYER from the Committee on Motor Vehicles reported as amended, House Bill No. 1014, entitled:

An Act to amend the act approved May 1, 1929 (Pamphlet Laws 905) entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" by providing for and requiring certain operators to secure a commerical operator's license, prescribing the qualifications and fees therefor, providing for the suspension and revocation of such licenses and fixing penalties.

Mr. HAMILTON from the Committee on Appropriations reported as committed, House Bill No. 991, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

Mr. JAMES from the Committee on Appropriations reported as amended, House Bill No. 933, entitled:

An Act authorizing the Department of Forests and Waters to acquire, repair, restore, and maintain the historic shrines and the grounds surrounding the same in the city of Chester and the borough of Upland, Delaware County, Pennsylvania, and making an appropriation.

Mr. JAMES from the Committee on Appropriations reported as committed, House Bill No. 393, entitled:

An Act authorizing the Armory Board of the State of Pennsylvania to construct and erect in the County of Dauphin, a memorial or monument in memory of the residents of Dauphin County who served in the forces of the United States during the World War; and making an appropriation.

Mr. WEBSTER from the Committee on Appropriations reported as amended, House Bill No. 1134, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Mr. WEBSTER from the Committee on Appropriations reported as committed, House Bill No. 877, entitled:

An Act making an appropriation to Pennsylvania Military College, Chester, Pennsylvania, for the military training and education of students.

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 617, entitled:

An Act making an appropriation to the Department of Highways out of the Motor License Fund, for the purpose of rebuilding county bridges carried away or destroyed by fire, flood or other casualty, and of carrying out the provisions of existing laws relating thereto.

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 1495, entitled:

An Act abating proportionately certain appropriations to the extent necessary to offset loss of revenue under certain circumstances.

Mr. STANK from the Committee on Appropriations reported as committed, House Bill No. 1207, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority, for the use and occupancy by such college of the various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects.

Mr. MATTHEW J. WELSH from the Committee on Appropriations reported as amended, House Bill No. 1115, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Mr. O'NEILL from the Committee on Appropriations reported as committed, House Bill No. 1214, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College, for the use of the School of Mineral Industries.

Mr. LOVETT from the Committee on Appropriations reported as amended, House Bill No. 73, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Mr. STOCKHAM from the Committee on Appropriations reported as committed, House Bill No. 588, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County, or so much thereof as may be necessary as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Mr. STOCKHAM from the Committee on Appropriations reported as committed, House Bill No. 881, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Mr. IMBRIE from the Committee on Appropriations reported as committed, House Bill No. 397, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Mr. McKINNEY from the Committee on Constitutional Amendments reported as committed, House Bill No. 1481, (Senate Bill No. 537), entitled:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1298, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commission commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by changing the number and further regulating the appointment and terms of office of the members of the commission, amplifying and changing their powers and duties; further regulating the appointment of registrars, and the powers and duties of registrars, inspectors of registration and watchers; further providing for and changing the provisions of said act relating to the time, place and manner of registering electors and their enrollment as members of political parties, the transfer of registrations, the change of party enrollment, rehearings for rejected applicants, appeals from the decisions of the commission, the checking, correction and cancellation of registrations, the preparation and distribution of street lists; and imposing additional penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CORTESE. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—First Class for further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1423, entitled:

An Act to amend the act, to reenact and amend section two hundred twelve and to repeal section one thousand thirty-three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended, further amplifying and changing the provisions of said act relating to certificates of title, the correction, cancellation and assignment thereof, notices contained therein and the rights of persons to apply for, receive and possess such certificates as agents, and declaring liens and encumbrances shown on such certificates to be lawful thereof to the Commonwealth, creditors and purchasers; further regulating the registration and operation of certain motor vehicles, trailers, and semi-trailers, the application for, and suspension of operators' licenses, the use of registration tags in certain cases, and the lawful weight, size, equipment and speed of such vehicles; removing certain exemptions and providing new exemptions from the various provisions of said act; providing for the suspension or inspection stations, appeals from such suspension, and the appointment and regulation of new ones by the Secretary of Revenue; authorizing the destruction of certain motor vehicles by the secretary; restricting the transportation of explosives; authorizing the arrest and prosecution of, and entry of bail by offenders on Sunday; changing the time when prosecutions may be brought for certain offenses; making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings; changing certain fees, disposing of certain fines and penalties and forfeiture bail, and changing and imposing new penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 906, entitled:

An Act to amend clauses six and nineteen and to eliminate clause seven of section twelve hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local

or any parts thereof that are or may be inconsistent therewith" fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class increasing the percentage of state-aid for all districts and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 777, entitled:

An Act to reenact and amend the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1660) entitled "A supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases" by increasing the salaries of fourth class school teachers and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1456, (Senate Bill No. 140), entitled:

An Act affecting cities of the second class A, authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of elections and officers of boroughs townships and cities of the second class A, and providing for the payment of the indebtedness of the various territorial units involved.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 40, entitled:

An Act to further amend subsection two of section one and section three of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment terms of office and manner of filling vacancies" by creating the office of executive secretary to the chief clerk and secretary fixing their compensation and the duties of the secretary and providing for their election and appointment

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1411, entitled

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the day and mileage of jurors and witnesses" by changing the pay of jurors in counties of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1492, (Senate Bill No. 796), entitled:

An Act to amend section nine of the Act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws 108) entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River and the issuance of permits therefor" by providing for the assignment of such permits in certain cases and making further provision with respect to the collection of tolls

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1491, (Senate Bill No. 795), entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

The SPEAKER. If there is no objection, the Chair will pass over all Senate bills on the second reading calendar. The Chair hears none.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1048, as follows:

An Act to further amend clause (a) of section four hundred and seven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and rstrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction othér officers of the State Government courts and district attorneys au-

thorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for con[illegible]ption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the fees for hotel and restaurant liquor licenses in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section four hundred and seven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

Section 407 License Fees (a) License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00)

In [those] municipalities except townships having a population of fifteen hundred and more but less than ten thousand inhabitants and in townships having a population of fifteen hundred and more but less than twelve thousand inhibitants two hundred dollars ($200.00)

In [those] municipalities except townships having a population of ten thousand and more but less than fifty thousand inhabitants and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00).

In those having a population of fifty thousand or more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred fifty thousand and more inhabitants six hundred dollars ($600.00)

Section 2 The provisions of this act shall become effective immediately upon its final enactment but shall apply only to licenses issued subsequent to said effective date

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1356, as follows:

An Act to amend clause (a) of section six hundred and nine of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended permitting hotel restaurant and club licensees to own land but not the buildings thereon where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (e) of section six hundred and nine of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeitures of certain property making disposition of the receipts from State stores and of fees and imposing penalties" which was reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

(e) Except as herein provided no hotel restaurant or club license and no officer director or stockholder agent or employe of any such licensee shall in any wise be interested directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a distributor importing distributor package retailer retail dispenser licensed under the Beverage License Law or by an importer or sacramental wine licensee in the conduct of his business nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any distributor importing distributor package retailer retail dispenser importer or sacramental wine licensee for equipping fitting out or maintainig and conducting either in whole or in part an establishment used in the conduct of his business

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five

years prior to July 18 1935 Provided however That this clause shall not prohibit any hotel restaurant or club licensee from owning land which is leased to and the buildings thereon owned by a holder of a retail dispenser's license under the Beverage License Law and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 582, as follows:

An Act abolishing the Pennsylvania Securities Commission terminating the terms of its members and transferring its powers and duties to the Department of Banking

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Pennsylvania Securities Commission is hereby abolished and the terms of all of its members are terminated on the effective date of this act All the powers and duties by law conferred and imposed on said commission shall hereafter be exercised and performed by the Department of Banking

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 805, entitled:

An Act prohibiting the sale or offering for sale of the recording of any broadcast without the permission and consent of the person or persons broadcasting same and providing penalties therefor

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is unlawful for any person copartnership association or corporation to offer for sale sell lease or license any recording of any broadcast emanating from any broadcasting station in this Commonwealth and obtained and taken without the consent and permission of person or persons broadcasting the same

Section 2 Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or undergo imprisonment for not more than one year or both as the court may direct

On the question,

Will the House agree to the bill?

Mr. VOORHEES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting between lines 27 and 28, the following section: "Section 3. None of the provisions of this act shall apply to any case of recording for private, personal, communal, civic or political uses or to any recording of any address or talk on subjects of a public nature."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agreed to the bill as amended?

It was agreed to.

The third section was read as follows:

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. VOORHEES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, page 2, line 28, by striking out the figure "3" and insert in lieu thereof "4".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act prohibiting the sale or offering for sale of the recording of any broadcast without the permission and consent of the person or persons broadcasting same and providing penalties therefor

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 521, as follows:

A Joint Resolution proposing amendments to sections sixteen and seventeen of article two of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendments to the Constitution of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section sixteen of article two of the Constitution of Pennsylvania is hereby amended to read as follows

Section 16 The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population excluding aliens as may be and each district shall be entitled to elect one Senator Each county containing one or more ratios of population excluding aliens shall be entitled to one Senator for each ratio and to an additional Senator for a surplus of population exceeding three-fifths of a ratio but no county shall form a separate district unless it shall contain four-fifths of a ratio except where the adjoining counties are each entitled to one or more Senators when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio and no county shall be divided unless entitled to two or more Senators No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators No ward borough or township shall be divided in the formation of a district The senatorial ratio shall be ascertained by dividing the whole population of the State excluding aliens by the number fifty

That section seventen of article two of the Constitution of Pennsylvania is hereby amended to read as follows

Section 17 The members of the House of Representatives shall be apportioned among the several counties on a ratio obtained by dividing the population of the State excluding aliens as ascertained by the most recent United States census by two hundred Every county containing less than five ratios shall have one representative for every full ratio and an additional representative when the surplus exceeds half a ratio but each county shall have at least one representative Every county containing five ratios or more shall have one representative for every full ratio Every city containing a population excluding aliens equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located Every city entitled to more than four representatives and every county having over one hundred thousand inhabitants excluding aliens shall be divided into districts of compact and contiguous territory each district to elect its proportion of representatives according to its population excluding aliens but no district shall elect more than four representatives

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1118, as follows:

An Act authorizing Federal Savings and Loan Associations to issue share accounts in the name of certain minors and in the joint names of two or more persons and validating the acquittances of such minors and validating the acquittances of either person in a joint account under certain conditions and outlining the pro cedure for the payment of share accounts issued in the name of a trustee following the death of the trustee

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as fololws

Section 1 Any Federal Savings and Loan Association existing under an act of Congress approved June 13 1933 known as the Home Owners' Loan Act of 1933 its amendments and supplements may issue share accounts in the name of any minor not less than sixteen years of age and shall pay the dividends thereon as well as the repurchase value of such share accounts to such minor without the assent of his parent or guardian The receipt acquittance or other action required by the federal savings and loan association to be taken by the minor shall be a valid release to the federal savings and loan association The parent or guardian of such minor shall not in his capacity as parent or guardian have the power to attach or in any manner transfer any share account issued to or in the name of such minor

Section 2 (A) Whenever any share accounts of a federal savings and loan association shall be issued in the names of two or more persons the federal savings and loan association shall not pay any dividends thereon or the repurchase value thereof except upon proper receipt acquittance or other action as the case may be of all of such persons unless at the time of subscribing to the share account or at a subsequent time all the parties agree to a different arrangement and give the federal savings and loan association written notice thereof

(B) Whenever any share accounts of a federal savings and loan association shall be issued in the names of two or more persons and such share accounts shall have been subscribed for under an arrangement with the federal savings and loan association whereby the dividends thereon or the repurchase value thereof may be paid upon receipt acquittance or other action as the case may be of either or any of such persons the federal savings and loan association may pay such dividends or repurchase value upon such receipt acquittance or other action as the case may be of either or any of such persons pursuant to the arrangement provided for in this section notwithstanding the fact that one or more of the other persons may be dead and the federal savings and loan association has notice thereof

(C) This section shall not be construed to affect share accounts in the names of a husband and his wife

Section 3 Whenever share accounts of a federal savings and loan association shall be issued to any person describing himself in subscribing for share accounts as truste for any person and no other notice of the existance and terms of a valid trust than such description shall have been given to the federal savings and loan association the dividends on such share accounts as well as the repurchase value of such share accounts shall in the event of the death of the person so described as trustee be paid to the person for whose benefit the share accounts were stated to have been subscribed if at the time of such death such beneficiary is over sixteen years of age If he is a minor not less than sixteen years of age such payment shall be made to him under the same conditions as in the case of share accounts originally subscribed for by such minor

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 607, as follows:

An Act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Every person in cities of the first second and second A class who uses the services of a female in mixing alcoholic beverages containing distilled spirits on any premises used for the sale of alcoholic beverages for consumption on the premises or any female who renders such services is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than one hundred dollars ($100) or by imprisonment in the county jail for not more than three months or by both such fine and imprisonment

Section 2 The provisions of this section shall not apply to the mixing of alcoholic beverages containing distilled spirits by any on-sale licensee nor to the mixing of such beverages by the wife of any licensee on the premises for which her husband holds an on-sale license

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1305, as follows:

An Act to amend sections eight eleven and twenty-five of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing

penalties" as amended providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the nonpayment of judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" as amended by the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 2097) are hereby further amended to read as follows

Section 8 Proof of Financial Responsibility Required as Condition Precedent to Issuance or Renewal of Operators' Licenses to Persons Having Certain Accident Record Penalty (a) Until proof of financial responsibility has been furnished to the secretary an operator's license shall not be issued or renewed to a person who within any twelve months' period while operating a motor vehicle either within or outside of this State had one or more accidents caused wholly or partially by his negligence which caused injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by such person amounting in the aggregate to more than one hundred dollars ($100) except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months' period resulting in injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by himself amounting in the aggregate to more than one hundred ($100) dollars and such operator or other person or insurer has paid all the claims arising from such accidents or if such operator or owner at the time of such accident or accidents was self insured in a manner satisfactory to the Pennsylvania Public Utility Commission or to the Secretary in an amount sufficient to pay all claims for such injuries and damages or carried insurance in a solvent insurance company which would be liable to respond in damages in an amount sufficient to pay all claims for such injuries and damages then such operator shall be exempt from the provisions of this section The amount of damages caused by accidents in which the applicant was involved will be deemed to have been [the amounts paid in settlement of claims of other persons if all such claims have been settled and if such claims have not been paid then] the amounts of damages admitted by the applicant to have been caused by such accidents or the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged or judgments obtained by such other persons

(b) For the purposes of this section where all claims have not been paid and the operator or owner either has not carried insurance in a solvent insurance company which would be liable to respond in damages in an amount sufficient to pay all such claims or was not self insured in a manner satisfactory to the Pennsylvania Publice Utility Commission or to the Secretary in an amount sufficient to pay all such claims happening of an accident while a person is operating a motor vehicle shall be prima facie evidence that it was caused wholly or partly by such person's negligence but the secretary may upon application of such person conduct an inquiry into the circumstances under which the accident occurred and thereupon find that the accident occurred without any negligence on the part of such person Damages may be deemed to be claimed only if the Department of Revenue has received a notification of the amount of damages claimed from the person injured the person entitled to recover for the death of the person killed or the owner of property damaged which notification shall be subscribed to and verified by the oath or affirmation of such person and a copy of the receipted bill or a copy of the bill rendered or a copy of the estimate of the probable cost prepared by a qualified person and subscribed to and verified by oath or affirmation of the person acknowledging payment rendering the bill or preparing the estimate

(c) The secreary's findings or such notification shall not be admissible in evidence in any court proceeding for damages instituted either by or against such person or in any criminal proceeding arising out of such accident

(d) Any person making a mistatement of fact in notification required under subsection (b) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 11 Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment If within [twenty] fifteen days after it [has been recorded] becomes final any person fails to satisfy any judgment rendered against him by a court of [competent jurisdiction] of record in this or any other State or the District of Columbia or any province of the Dominion of Canada or by a District Court of the United States for damages on account of personal injury or of damage to property [in excess of five dollars and thirty-three cents ($5.33)] resulting from the opertaion subsequent to the effective date of this act by him his agent or any other person with his express or implied consent of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him his operator's license and all of his registration certificates shall be forthwith suspended by the secretary upon receiving a certified copy of such final judgment from the court in which the same was rendered and shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents Provided however That when any person whose operator's license and registration certificate have been suspended or revoked under the provisions of this section at the time of such accident was self insured in a manner satisfactory to the Pennsylvania Public Utility Commission or to the Secretary in an amount sufficient to pay all claims for such injuries and damages or carried insurance in a solvent insurance company which would be liable to respond in damages in any an amount sufficient to pay the judgment rendered against him the Secretary shall have the authority to issue or renew the operator's license and registration certificate of such person after such judgment has been satisfied without first requiring proof of financial responsibility

If such person is not a resident of this State he shall not be permitted to operate any motor vehicle in this State and it shall not be lawful for any other person knowing that such operation is not permitted to operate in this State any motor vehicle owned by such nonresident while such judgment remains unsatisfied and subsisting and until such nonresident has furnished proof of financial responsibility for future accidents

If after such person has satisfied such judgment within the meaning of this act and has furnished proof of financial responsibility any other such judgment shall be recovered against him for any accident occurring before such proof was furnished his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting

Section 2 Section twenty-five of said act which was added by the act approved the twenty-fifth day of June

one thousand nine hundred thirty-seven (Pamphlet Laws 2097) is hereby amended to read as follows

Section 25 Restrictions to Be Stated on Operator's Card Removal of Restrictions Penalty (a) When a certificate of a motor vehicle liability policy of insurance has been furnished as compliance with the requirements of proof of financial responsibility as prescribed in this act and such liability policy extends only to designated vehicles the operator shall surrender his operator's card to the secretary and the secretary shall designate by explicit description or appropriate reference the vehicle described or identified in such certificate of motor vehicle liability policy upon the operator's license card of the person whose operator's privilege is so limited and return such card to the operator

(b) In the event a person establishes proof of financial responsibility by means of a motor vehicle liability policy of insurance and during the time that such proof is required to be maintained desires to be relieved of the limitations prescribed in the policy and be permitted to operate any motor vehicle may have such restrictions removed upon filing a certificate of the insurer showing that there has been issued to him a motor vehicle operator's policy

(c) No person who has furnished a motor vehicle liability policy of insurance or on whose behalf a certificate of motor vehicle liability policy of insurance has been furnished as compliance with the requirements of this act or who has retained or received an operator's license under [a] such motor vehicle liability policy of insurance shall operate in this Commonwealth any vehicle not covered by such insurance or shall operate a motor vehicle without having in his possession his operator's card designating by explicit description or appropriate reference such vehicle

(d) Whenever a motor vehicle liability policy for any vehicle that is required to be explicitly described or identified by appropriate reference on an operator's card is cancelled or lapses such operator shall immediately return the operator's card to the secretary and notify the secretary of such cancellation or lapse and such operator shall not operate any vehicle on the highways of this Commonwealth until he has been properly authorized to do so and has received from the department a corrected operator's card

(e) No person who is an owner of or in possession or control of a vehicle shall permit or direct any other person required to establish proof of financial responsibility to operate such vehicle in violation of any of the provisions of this act

Penalty Any person who violates any of the provisions of subsections (a) (c) (d) or (e) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand ($1,000) dollars or both in the discretion of the court

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 190, as follows:

An Act to further amend section seven hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence; imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by making changes in fees for certain commercial motor vehicles and truck tractors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicle imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 703 Commercial Motor Vehicles and Truck Tractors with Pneumatic Tires Commercial motor vehicles and truck tractors with pneumatic tires other than those electrically operated shall be divided into eight (8) classes and the fee for annual registration of such vehicles in each of the respective classes based on the gross chassis weight as given and certified to by the manufacturer shall be as follows

Four-Wheeled

Class	Chassis Weight in Pounds	Fee
R	Less than [2000] 2500	$16.50
S	[2000] 2500 and over but less than 3000	26.00
T	3000 and over but less than 4000	35.00
U	4000 and over but less than 5000	45.00
V	5000 and over but less than 6000	63.00
W	6000 and over but less than 7500	90.00
Y	7500 and over but less than 9000	110.00
Z	9000 and over	155.00

Six-Wheeled (3 Axles)

Class	Chassis Weight in Pounds	Fee
RZ	2000 and over but less than 3000	$40.00
SZ	3000 and over but less than 4000	50.00
TZ	4000 and over but less than 5000	60.00
UZ	5000 and over but less than 6000	90.00
VZ	6000 and over but less than 7500	155.00
WZ	7500 and over but less than 9000	175.00
YZ	9000 and over but less than 12000	200.00
ZZ	12000 and over	225.00

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1341, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the jurisdiction and powers of mayors burgesses magistrates aldermen justices of the peace and other officers having the power of committing magistrates in criminal proceedings and of magistrates aldermen and justices of the peace in civil proceedings under said act fixing the fees to be charged in cases of summary conviction and changing penalties and the circumstances under which operating privileges shall be revoked

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections six hundred fourteen and six hundred twenty of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by section one of the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 614 Revocation of Operating Privilege (a) Upon receiving a certified record from the clerk of the court of proceedings in which a person pleaded guilty entered a plea of nolo contendere or was found guilty by a judge or jury of any of the crimes enumerated in this section or upon receiving a certified transcript from any magistrate of proceedings before him in which a person pleaded guilty entered a plea of nolo contendere or was found guilty of any crime enumerated in clause (1) of this section but where no injury to any person resulted from or in connection with such violation the secretary shall forthwith revoke for a period of one (1) year from the date of revocation the operating privilege of any such person and where such person was convicted or entered a plea of guilty or nolo contendere of any one of the crimes enumerated in clauses (1) (2) (3) and (4) of this section such operating privilege shall not be restored unless and until the fine and costs imposed in such cases have been fully paid The clerk of the courts shall when such fine and costs have been so paid in any such case certify such fact to the Department of Revenue

1 Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

(b) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

(c) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

Section 620 Violation of License Provisions It shall be unlawful for any person to commit any of the following acts

(a) To display or cause or permit to be displayed or to have in possession any operator's license or learner's permit knowing the same to be fictitious or to have been cancelled revoked suspended or altered

(b) To lend to or knowingly permit the use of by one not entitled thereto any operator's license or learner's permit issued to the person so lending or permitting the use thereof

(c) To display or to represent as one's own any operator's license or learner's permit not issued to the person so displaying the same

(d) To fail or refuse to surrender to the department upon demand any operator's license learner's permit registration card registration plates certificates of title or duplicates thereof which have been suspended cancelled or revoked as provided in this act

(e) To make use of or operate any motor vehicle without the knowledge or consent of the owner or custodian thereof

(f) To operate a motor vehicle street car or trackless trolley omnibus while under the influence of intoxicating liquor or any narcotic drug or habit producing drug or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

(g) To turn off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest

(h) To operate any motor vehicle upon the highways of this Commonwealth after the operating privilege is suspended or revoked and before such operating privilege has been reinstated

(i) To operate any motor vehicle upon the highways of this Commonwealth after its registration has been suspended by the secretary

(j) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or make a false statement or conceal a material fact or otherwise commit a fraud in any application

Penalty Any person violating any of the provisions of sub-sections (a) (b) (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution

and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsection (f) of this section but where no injury to any person has resulted from or in connection with such violation shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than thirty (30) days

Any person violating any of the provisions of subsections (e) [(f)] (g) (h) (i) or (j) of this section or of subsection (f) where injury to any person has resulted from or in connection with such violation shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not less than one hundred ($100) dollars and not more than five hundred ($500) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment

Section 2 The penalty clause of section nine hundred three of said act as last amended by section two of the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 903 Weight of Vehicles and loads

* * * * *

Penalty Any person operating any vehicle upon any highway with a gross weight exceeding by more than five (5) per centum the maximum gross weight allowed and not exceeding by more than ten (10) per centum the maximum gross weight allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and any person operating any vehicle on any highway with a gross weight exceeding by more than (10) per centum the maximum gross weight allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more ten (10) days Provided That in all cases where the person operating the vehicles is the employe of the owner or person for whom the vehicle is operated such person shall not undergo imprisonment in default of the payment of fine and costs but instead the vehicle shall be taken and held by the magistrate until the fine and costs including storage charges on such vehicle while so held are paid.

Section 3 Section twelve hundred four and one-tenth of said act as added by section eighteen of the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby amended to read as follows

Section 1204.1 Discretion Regarding Fines and Penalties Imposed [Exemptions] The fines and penalties provided for in this act [are mandatory and no magistrate or judge shall impose any penalty for a violation of this act varying from the penalties prescribed herein unless the authority to impose a greater or lesser fine or penalty than prescribed herein is expressly contained in this act

Penalty Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution or undergo imprisonment for not more than thirty (30) days or suffer both such fine and imprisonment] shall unless otherwise specifically provided in each case be the maximum fine or penalty that may be imposed for the given offense It shall be competent for the magistrate or judge before whom a conviction is had in his discretion to impose a lesser fine or penalty whenever in his judgment the circumstances so warrant

Section 4 Article twelve of said act is hereby amended by adding thereto after section twelve hundred four and one-tenth a new section to be known as twelve hundred four and two-tenth and to read as follows

Section 1204.2 In all cases of summary convictions relating to the use and operation of motor vehicles and suits for penalties relating to the use and operation of motor vehicles whether under statute or ordinance the total fee shall be three dollars and fifty cents plus the costs of sending by registered mail the notice to the defendant as required by this act which shall include the giving of a transcript to either the defendant or prosecutor or both if same be requested

Section 5 Section twelve hundred eight of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1208 Civil Actions for Damages All civil actions for damages arising from the use and operation of any vehicle may at the discretion of the plaintiff be brought before any magistrate alderman or justice of the peace in the county wherein the alleged damages were sustained if the plaintiff has had said damage repaired and shall produce a receipted bill for the same properly sworn to by said party making such repairs or his agent or action may be brought in the court of common pleas of said county and service of process in either case may be made by the sheriff of the county where the suit is brought deputizing the sheriff of the county wherein the defendant or his registered agent resides or where service may be had upon him under the existing laws of this Commonwealth in like manner as process may now be served in the proper county [No action involving more than one hundred ($100.00) dollars shall be brought before any magistrate alderman or justice of the peace] Magistrates aldermen and justices of the peace shall have the same jurisdiction in civil actions for damages arising from the use and operation of any vehicle as they have in other civil actions and in addition thereto they shall have jurisdiction in cases in which the damages result indirectly as well as directly and in cases in which damages are the result of an act or acts of a principal or agent or an officer or agent of any corporation including those organized for public service

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 943, as follows:

An Act approving ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention abatement and control of pollution of the rivers streams and waters in the Ohio river drainage basin and making the State of Pennsylvania a party thereto creating the "Ohio River Valley Water Sanitation Commission" providing for the members of such commission from the State of Pennsylvania and providing for the carring out of said Compact

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Ohio River Valley Water Sanitation Compact Approved The following Ohio River Valley Water Sanitation Compact which has been negotiated by representatives of the States of Illinois Indiana Kentucky New York Ohio Pennsylvania Tennessee and West Virginia is hereby approved ratified adopted enacted into law and entered into by the State of Pennsylvania as a party thereto and signatory state namely

Ohio River Valley Sanitation Compact

Whereas A substantial part of the territory of each of the signatory States is situated within the drainage basin of the Ohio River and

Whereas The rapid increase in the population of the various metropolitan areas situate within the Ohio drainage basin and the growth in industrial activity within that area have resulted in recent years in an increasingly serious pollution of the waters and streams within said drainage basin constituting a grave menace to the health welfare and recreational facilities of the

people living in such basin and occasioning great economic loss and

Whereas The control of future pollution and the abatement of existing pollution in the waters of said basin are of prime importance to the people thereof and can best be accomplished through the cooperation of the States situated therein by and through a joint or common agency

Now Therefore The States of Illinois Indiana Kentucky New York Ohio Pennsylvania Tennessee and West Virginia do hereby covenant and agree as follows

Article I

Each of the signatory States pledges to each of the other signatory States faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers streams and waters in the Ohio River Basin which flow through into or border upon any of such signatory States and in order to effect such object agrees to enact and necessary legislation to enable such State to place and maintain the waters of said basin in a satisfactory sanitary condition available for safe and satisfactory use as public and industrial water supplies after reasonable treatment suitable for recreational usage capable of maintaining fish and other aquatic life free from unsightly or malodorous nuisances due to floating salids or sludge deposits and adaptable to such other uses as may be legitimate

Article II

The signatory States hereby create a district to be known as the "Ohio River Valley Water Sanitation District" hereinafter called the District which shall embrace all territory within the signatory States the water in which flows ultimately into the Ohio River or its tributaries

Article III

The signatory States hereby create the "Ohio River Valley Water Sanitation Commission" hereinafter called the Commission which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory States or by act or acts of the Congress of the United States

Article IV

The Commission shall consist of three commissioners from each State each of whom shall be a citizen of the State from which he is appointed and three commissioners representing the United States Government The Commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the State from which they shall be appointed and any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed The commissioners representing the United States shall be appointed by the President of the United States or in such other manner as may be provided by Congress The commissioners shall serve without compensation but shall be paid their actual expenses incurred in and incident to the performance of their duties but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government

Article V

The Commission shall elect from its number a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge such officers and legal clerical expert and other assistants as may be required to carry the provisions of this compact into effect and shall fix and determine their duties qualifications and compensation It shall adopt a seal and suitable by-laws and shall adopt and promulgate rules and regulations for its management and control It may establish and maintain one or more offices within the District for the transaction of its business and may meet at any time or place One or more commissioners from a majority of the member States shall constitute a quorum for the transaction of business

The Commission shall submit to the Governor of each State at such time as he may request a budget of its estimated expenditures for such period as may be required by the laws of such State for presentation to the legislature thereof

The Commission shall keep accurate books of account showing in full its receipts and disbursements and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory States as may be duly constituted for that purpose

On or before the first day of December of each year the Commission shall submit to the respective Governors of the signatory States a full and complete report of its activities for the preceding year

The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same nor shall the Commssion pledge the credit of any of the signatory States except by and with the authority of the legislature thereof

Article VI

It is recognized by the signatory States that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the District due to such variable factors as size flow location character self-purification and usage of waters within the District The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters as hereinafter defined

All sewage from municipalities or other political subdivisions public or private institutions or corporations discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between or are contiguous to two or more signatory States or which flow from one signatory State into another signatory State shall be so treated within a time reasonable for the construction of the necessary works as to provide for substantially complete removal of settleable solids and the removal of not less than forty-five per cent (45%) of the total suspended solids provided that in order to protect the public health or to preserve the waters for other legitimate purposes including those specified in Article I in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation due notice and hearing

All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated within a time reasonable for the construction of the necessary works in order to protect the public health or to preserve the waters for other legitimate purposes including those specified in Article I to such degree as may be determined to be necessary by the Commission after investigation due notice and hearing

All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one State shall be treated to that extent if any which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence

The Commission is hereby authorized to adopt prescribe and promulgate rules regulations and standards for administering and enforcing the provisions of this article

Article VII

Nothing in this compact shall be construed to limit the powers of any signatory State or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State imposing additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction

Article VIII

The Commission shall conduct a survey of the territory included within the District shall study the pollution problems of the District and shall make a comprehensive report for the prevention or reduction of stream pollution therein In preparing such report the Commission shall confer with any national or regional planning body which may be established and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the District The Commission shall draft and recommend to the governors of the various signatory States uniform legislation dealing with the pollution of rivers streams and waters and other polluton problems within the District The Commission shall consult with and advise the various States communities municipalities corporations persons or other entities with regard to particular problems connected with the pollution of waters particularly with regard to the construction of plants for the disposal of sewage industrial and other waste The Commission shall more than one month prior to any regular meeting of the legislature of any state which is a party thereto present to the Governor of the State its recommendations relating to enactments to be made by any legislature in furthering intents and purposes of this compact

Article IX

The Commission may from time to time after investigation and after a hearing issue an order or orders upon any municipality corporation person or other entity discharging sewage or industrial waste into the Ohio River or any other river stream or water any part of which constitutes any part of the boundary line between any two or more of the signatory States or into any stream any part of which flows from any portion of one signatory State through any portion of another signatory State Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued modified or treated or otherwise disposed of The Commission shall give reasonable notice of the time and place of the hearing to the municipality corporation or other entity against which such order is proposed No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory States and no such order upon a municipality corporation person or entity in any State shall go into effect unless and until it receives the assent of not less than a majority of the Commissioners from such State

It shall be the duty of the municipality corporation person or other entity to comply with any such order issued against it or him by the Commission and any court of general jurisdiction or any United States district court in any of the signatory States shall have the jurisdiction by mandamus injunction specific performance or other form of remedy to enforce any such order against any municipality corporation or other entity domiciled or located within such State or whose discharge of the waste takes place wthin or adjoining such State or against any employee department or subdivision of such municipality corporation person or other entity provided however such court may review the order and affirm reverse or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions The Commission or at its request the Attorney General or other law enforcng official shall have power to institute in such court any action for the enforcement of such order

Article X

The signatory States agree to appropriate for the salaries office and other administrative expenses their proper portion of the annual budget as determined by the Commission and approved by the Governors of the signatory States one-half of such amount to be prorated among the several States in proportion to their population within the District at the last preceding federal census the other half to be prorated in proportion to their land area within the District

Article XI

This compact shall become effective upon ratification by the legislatures of a majority of the States located within the District and upon approval by the Congress of the United States and shall become effective as to any additional States signing thereafter at the time of such signing

In witness whereof the various signatory States have executed this compact through their respective compact commissioners

Section 2 Appointment of Members of Ohio River Valley Water Sanitation Commission Secretary of Health to be Member Ex-Officio In pursuance of article four of said compact there shall be three members of the Ohio River Valley Water Sanitation Commission from the State of Pennsylvania The Governor by and with the advice and consent of the Senate shall appoint two persons as two of such commissioners each of whom shall be a resident and citizen of this State The terms of one of the said two commissioners first appointed shall be three years and of the other shall be six years and their successors shall be appointed by the Governor by and with the advice and consent of the Senate for terms of six years each Each commissioner shall hold office until his successor shall be appointed and qualified Vacancies in the office of any such commissioner from any reason or cause shall be filled by appointment by the Governor by and with the advice and consent of the Senate for the unexpired term The third commissioner from this State shall be the Secretary of Health ex-officio and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said office of Secretary of Health and his successor as a commissioner shall be his successor as said Secretary of Health With the exception of the issuance of any order under the provisions of article nine of the compact said ex-officio commissioner may delegate from time to time to any deputy or other subordinate in his department or office the power to be present and participate including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission The terms of each of the initial three members shall begin at the date of the appointment of the two appointive commissioners provided the said compact shall then have gone into effect in accordance with article eleven of the compact otherwise shall begin upon the date which said compact shall become effective in accordance with said article eleven

Any commissioner may be removed from office by the Governor

Section 3 Powers of Commission Duties of State Officers Departments Etc Jurisdiction of Common Pleas Courts Enforcement of Act There is hereby granted to the commission and commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular All officers of this State are hereby authorized and directed to do all things falling within their respective provinces and jurisdicton necessary to or incidental to the carrying out of said compact in every particular it being hereby declared to be the policy of this State to perform and carry out the said compact and to accomplish the purposes thereof All officers bureaus departments and persons of and in the State Government or administration of this State are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal powers respectively

The courts of common pleas of this State are hereby granted the jurisdiction specified in article nine of said compact and the Attorney General or any other law-enforcing officer of this State is hereby granted the power to institute any action for the enforcement of the orders of the commission as specified in said article nine of the compact

Section 4 Powers Herein Granted in Addition to Those Heretofore Granted Any powers herein granted to the

commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of this State or by the laws of the States of Illinois Indiana Kentucky New York Ohio West Virginia Tennessee or by Congress or the terms of said compact

Section 5 Expenses of Commission Appropriations Officers and Employees The commissioners shall be reimbursed out of moneys appropriated for such purposes all sums which they necessarily shall expend in the discharge of their duties as members of such commission

There shall be appropriated to the commission out of any moneys in the State Treasury unexpended and available therefor and not otherwise appropriated such sums as may be necessary for the uses and purposes of the commission in carrying out the provisions of this act and the payment of the proper proportion of this State of the annual budget of the Ohio River Valley Water Sanitation Commission in accordance with article ten of said compact

The commission shall elect from its membership a chairman and may also select a secretary who need not be a member The commission may employ such assistance as it may deem necessarily required and the duties of such assistants shall be prescribed and their compensation fixed by the commission and paid out of the State Treasury out of funds appropriated for such purposes upon the requistion of said commission

The commission shall meet at such times and places as agreed upon by the commissioners or upon call of its chairman

Section 6 The Commonwealth of Pennsylvania hereby consents that the Commonwealth of Virginia may become a party to and a signatory Commonwealth of the Compact set forth in section one of this act as fully as if it had been expressly named therein

Section 7 When Act to Become Effective This act shall take effect and become operative and the compact be executed for and on behalf of this State only from and after the approval ratification and adoption and entering into thereof by the States of New York West Virginia and Ohio

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 931, as follows:

An Act to amend the act approved the fifth day of December one thousand nine hundred and thirty-six (1937 Pamphlet Laws 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" providing for contribution rates based on compensation experiences

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article three of the act approved the fifth day of December one thousand nine hundred and thirty-six (1937 Pamphlet Laws 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determinations payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended by adding after section three hundred two thereof a new section to read as follows

Section 302.1 Contribution Rates Based on Compensation Experiences (a) The department shall set up and maintain a separate account for each employer and shall credit the account with all contributions on behalf of the employer but nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals Compensation paid to an eligible individual shall be charged in the amount hereinafter provided against the account of his most recent employers in the inverse chronological order in which employment occurred except that no employer's account shall be charged with compensation to an individual who would not have been eligible to compensation under this act upon termination of employment with such employer The maximum compensation amount so charged against the account of any employer shall not exceed one-sixth of the wages payable to such individual by such employer for employment which occurs on and after the first day of such individual's base year or sixty-five dollars per completed calendar quarter or portion thereof whichever is the lesser but nothing in this section shall be construed to limit compensation payable pursuant to article four of this act The department shall by general rules prescribe the manner in which compensation shall be charged against the accounts of several employers for whom an individual performed employment at the same time

(b) The department shall make a report to each employer for each calendar year concurrently with notice prescribed in clause (c) of this section of the contribution rate appliable in respect to payrolls for the following calendar year of the status and detailed information of his account and shall make such information available to the employer upon his application at other reasonable times

(c) The department shall for the year one thousand nine hundred forty-one and for each calendar year thereafter classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to compensation charged against their accounts with a view to fixing such contribution rates as will reflect such experience The department shall determine and notify each employer in writing of such determination at least twenty days prior to the day employers' reports and contribution payments are required by the department the contribution rate in accordance with the following requirements

(1) Each employers' contribution rate shall be two and seven-tenth per centum of the total wages paid and payable by the employer for each calendar year except as provided in the following provisions and no employer's contribution rate shall be less than two and seven-tenths per centum unless and until there shall have been three calendar years throughout which any individual in his employ could have received compensation if eligible

(2) Each employer's contribution rate for the twelve months commencing January first of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year If at the beginning of such calendar year the total of all his contributions paid on his own behalf for all past years exceeds the total compensation charged to his account for all such years his contribution rate shall be

I Two and five tenths per centum if such excess is or exceeds seven and one-half and is less than eight per centum of the employer's average annual payroll

II Two per centum if such excess is or exceeds eight

and is less than eight and five tenths per centum of the employer's average annual payroll

III One and one-half per centum if such excess is or exceeds eight and five-tenths and is less than nine per centum of the employer's average annual payroll

IV One per centum if such excess is or exceeds nine and is less than nine and five tenths per centum of the employer's average annual payroll

V One-half of one per centum if such excess is or exceeds nine and five-tenths and is less than ten per centum of the employer's average annual payroll

VI Cease if such excess equals or exceeds ten per centum of the employer's average annual payroll

If at the beginning of such calendar year the total contributions paid on his own behalf for all past years is less than the total compensation charged to his account for all such years his contribution rate shall be four per centum

If at the beginning of such calendar year the sum total of the fund or funds holding the contributions is less than the sum total contributions in excess of the total benefits charged against them for all years commencing with the year one thousand nine hundred and thirty-nine the department shall assess a penalty contribution on those employers whose employers' accounts have had less contributions than compensation charged against them an amount in proportion to the size of the deficit in the employer's account and not to exceed the amount of such deficit and the total of such assessed penalty contributions shall be calculated to increase the sum total of the fund or funds holding the employer's contribution to exceed the sum total of the balances of the employer's account which have total contributions in excess of the total compensation charged against them for all years commencing with the year one thousand nine hundred thirty-nine

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Huse Bill No. 249, as follows:

An Act to amend so much of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 167) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" as relates to the forty-seventh judicial district by reducing the number of judges of the court of common pleas of said district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 167) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" as relates to the forty-seventh judicial district is hereby amended to read as follows

The forty-seventh district of the county of Cambria and shall have three judges learned in the law in the common pleas until the expiration of the term of any judge now in office or until a vacancy in the office of any judge now in office shall occur and thereafter two judges in the common pleas and one judge learned in the law in the orphans' court

Section 2 This act shall become effective January fifteenth one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1052, entitled:

An Act to regulate motor vehicle junk yard businsss to provide for the issuance of licenses for each motor vehicle junk yard prescribing the method and manner of obtaining such licenses and prescribing the fees therefor prohibiting motor vehicle junk yards within sight of a state highway and prescribing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following terms wherever used or referred to in this act shall have the following meanings

(a) "Motor Vehicle Junk Yard" means any place of storage or deposit upon which there is deposited stored or displayed for commercial purposes two or more unregistered motor vehicles which are unfit for reconditioning for use on the public highways or used parts of motor vehicles or old iron metal glass paper cordage or other waste or discarded or second-hand material which has been a part or intended to be a part of any motor vehicle the sum of which parts or material shall be equal in bulk to two or more motor vehicles

(b) "Motor Vehicle Junk Business" means the use or maintenance of any motor vehicle junk yard as herein described

(c) "State Highway" means such highways taken over by the Department of Highways and which are constructed improved or maintained in whole or in part by the Department of Highways at the expense of the Commonwealth

On the question,

Will the House agree to the Section?

BILL RECOMMITTED

Mr. O'CONNOR. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for further study and hearing.

On the question.

Will the House agree to the motion?

Mr. VOORHEES. Mr. Speaker, I desire to interrogate the gentleman from Cambria, Mr. O'Connor.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. O'CONNOR. I will, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, I desire to inquire of the gentleman from Cambria what further study this bill needs?

Mr. O'CONNOR. Mr. Speaker, for the information of the sponsor of the bill, I would like to say that this bill was reported out for the express purpose of having it read for the first time and then returned to the Committee for further study and a public hearing. In asking that the bill be sent back, I am keeping my promise in compliance with the instructions of the full committee.

Mr. VOORHEES. Mr. Speaker, I did not know that this bill was reported out with that understanding. I therefore withdraw my objection.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 717, entitled:

An Act to further amend section nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 795) is hereby further amended to read as follows

Section 9 The State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit the peddling from house to house or person to person either personally or through the employment or aid of solicitors or the establishment of temporary offices contrary to the provisions of this act [or the use of misleading advertising or gross] incompetency or the obtaining of money by fraud or misrepresentation of the optometrical profession in which untruthful statements are made or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry or the advertising of any inducements inferring prices terms of payment free examination free consultation or words of similar import or the use of any name by a certificate holder other than the name recorded in optometrical board registration files or the aiding or abetting directly or indirectly of any violation of the aforesaid acts or practice or for any other direct or indirect grossly unethical practice or any form of direct or indirect pretence which might induce citizens to become a prey to professional exploitation or the failure to deliver the certificates provided for in section six of this act or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of the duties of an optometrist [or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry] The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is p referred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

On the question,

Will the House agree to the section?

Mr. HALL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, Page 3 by striking out of lines 2, 3 and 4, after the word "optometry", in line 2, the following: "or the advertising of any inducements inferring prices terms of payment free examination free consultation or words of similar import."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend section nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptioins; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the granting, suspension and revocation of the licenses of optometrists.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1421, as follows:

An Act to amend the act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act aproved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" by adding thereto section three imposing and providing for interest penalties on the estate taxes imposed under the provisions of the said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death

and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" as last amended by the act approved the fifteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand twenty-six) is hereby further amended by adding thereto section three which reads as follows

Section 3 Any tax imposed under the provisions of this act shall become due and payable at the expiration of eighteen months from the date of death of the decedent If the tax is not paid when due interest at the rate of twelve per centum per annum shall be charged and collected from the time the same became payable Where because of claims made upon the estate litigation or other unavoidable cause of delay the additional estate tax or any portion thereof payable by the estate of any decedent cannot be ascertained within a period of eighteen months after the date of the decedent's death interest at the rate of six per centum per annum shall be charged upon the additional estate tax or any portion thereof that is unascertainable as aforesaid until the same shall become ascertainable Where real or personal estate withheld by reason of litigation or other cause of delay in the manner aforesaid from the parties entitled thereto subject to such additional estate tax has not been productive to the extent of six per centum per annum the proper parties shall not pay a greater amount as interest to the Commonwealth than they have realized or shall realize from such estate during the time the same has been or shall be withheld as aforesaid Provided That proof thereof is furnished the Department of Revenue and is satisfactory to the department

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1169, as follows:

An Act to amend sections 1104 1105 1121 1127 and 1134 as amended of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating the tenure of office and salaries of county and assistant county superintendents and district and assistant district superintendents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1104 of the act approved May eighteenth one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1104 [Every four years there shall be elected as herein provided in every county in this Commonwealth a person to be known as County Superintendent] (a) In every county of this Commonwealth there shall be elected as herein provided a county superintendent After the passage of this act every county superintendent shall be initially elected for a term of four years and shall thereafter whenever his term of office expires continue in office for a further term of four years unless at least ninety days before the date fixed by this act for the election of county superintendents at least one-half of the boards of school directors of the school districts under the jurisdiction of a county superintendent shall adopt and file with the Superintendent of Public Instruction a resolution demanding that a convention for the election of a county superintendent of schools be held on the day fixed by law and assigning in said resolution one or more of the causes for holding such an election set forth in clause (b) of this section Every such resolution shall be recorded on the minutes of the Board and the minutes shall show how each member of the board of school directors voted thereon Every such resolution shall be attested by the secretary and shall be filed with the Superintendent of Public Instruction within the time hereinbefore provided A copy of such resolution shall at the same time be filed with the county superintendent affected thereby

(b) The only causes for which a convention for the election of a county superintendent may be demanded shall be an allegation or allegations that the incumbent has been guilty of immorality intemperance incompetency cruelty wilful and persistent neglect of duty or wilful and persistent violation of the school laws of the Commonwealth or that the said incumbent is physically or mentally incapacitated or has attained superannuation retirement age

(c) When as to any county a sufficient number of resolutions have been filed with the Superintendent of Public Instruction within the time required by this section he shall examine the same and if he finds the same or a sufficient number thereof to be in accord with the requirements of this act he shall proclaim an election for county superintendent of schools in the county and cause a convention to be held for that purpose on the date specified in this act and shall publish a copy of such proclamation once a week for three consecutive weeks in not less than two newspapers of general circulation in the county if so many are published in such county Such proclamation shall be issued at least thirty days before the convention and a copy of such proclamation shall be sent to the county superintendent affected thereby

Section 2 Section 1105 of said act as amended by the act of May twenty-third one thousand nine hundred twenty-three (Pamphlet Laws 349) is hereby further amended to read as follows

Section 1105 The school directors of each county [of this Commonwealth in which a county superintendent is to be elected] shall meet in convention at the county seat of their county in the court house or some other suitable place to be furnished by the county commisisoners at the expense of the county on the second Tuesday of April one thousand nine hundred and [eighteen (1918)] forty-two (1942) [and on the same day of every fourth year thereafter] and by a majority vote of those present elect as herein provided one duly qualified person as county superintendent to serve for four years from the first Monday of July next following who shall thereafter continue in office without reelection for successive terms of four years each unless an election shall be proclaimed and held as provided in this act Every fourth year thereafter the school directors of each county in which an election for superintendent has been proclaimed as provided in this act shall meet and elect a county superintendent to serve for a term of four years from the first Monday of July next following such election and the superintendent so chosen shall thereafter continue in office without re-election for successive terms of four years each unless an election shall be proclaimed as herein provided [Provided that on the second Tuesday of April one thousand nine hundred and twenty-six (1926) county superintendents shall be elected as herein provided to serve from the first Monday of May one thousand nine

hundred and twenty-six (1926) until the first Monday of July one thousand nine hundred and thirty (1930)]

Section 3 Section 1121 of said act as amended by the act of May twenty-seventh one thousand nine hundred nineteen (Pamphlet Laws 300) is hereby further amended to read as follows

Section 1121 The annual salary of each county superintendent elected or appointed under the provisions of this act shall be paid by the state from appropriations made for this purpose or from the apprpriations for the public schools [and shall be fifteen dollars ($15.00) for each of the first one hundred schools within his jurisdiction at the time of his election and ten dollars ($10.00) for each such additional school Provided That the salary of a county superintendent shall not be less than two thousand dollars ($2,000) per annum nor more than twenty-five hundred dollars ($2,500) per annum but] A convention of school directors assembled for the purpose of electing a county superintendent may vote him a salary greater than the amount he would receive [by] under the provisions of sub-section eight of section one thousand two hundred ten (1210) of this act such increase to be paid in all cases out of the school fund apportioned to the school districts over which such county superintendent has supervision before the same is distributed The salaries of county superintendents shall be paid monthly

If the Superintendent of Public Instruction shall not proclaim an election for a county superintendent of schools in a county as provided in this act and the county superintendent of such county shall continue in office for another term of four years as provided in this act then his annual salary shall remain at the amount last fixed in accordance with the provisions of this act unless at the annual or semi-annual meeting of the county school directors association held prior to the time a new commission issues to the county superintendent under the provisions of this act the directors shall by resolution adopted by a majority vote of all the school directors of the school districts under the jurisdiction of the county superintendent present at said meeting vote the county superintendent a greater or reduced salary than theretofore received which increased or reduced salary so voted shall be paid as provided in this act But no such reduction in salary shall be voted unless the school directors shall deem the same necessary for the purposes of economy and shall express such reason in the resolution reducing the salary nor shall such reduction be effective unless and until the Superintendent of Public Instruction shall first have approved the same

Upon the receipt of a copy of the resolution adopted by the school directors present at a meeting of the school directors association the Superintendent of Public Instruction shall provide for monthly distribution of the newly fixed salary beginning with the first month of the new term for which the county superintendent is commissioned

In addition to the said salary each county superintendent shall be entitled to receive annually a sum not to exceed five hundred dollars for the payment of the actual and necessary expenses incurred in visiting schools within his district in attending educational meetings and in the performance of such other official duties as may be required by him by law Payments shall be made monthly on account of such expenses to any such county superintendent by requisition of the Superintendent of Public Instruction upon the Auditor General upon the production to him of itemized vouchers in the usual manner

Section 4 Section 1127 as amended by the act approved July first one thousand nine hundred thirty-seven (Pamphlet Laws 2592) is hereby further amended to read as follows

Section 1127 (a) The superintendent of each county entitled to an assistant superintendent or assistant superintendents shall within fifteen days after receiving his commission in the year one thousand nine hundred and forty-two nominate to the county board of school directors the assistant superintendent or superintendents who must furnish the president of said county board of school directors evidence of eligibility in accordance with the regulations of the State Council of Education These nominations shall be appointments until the end of the county superintendent's term of office when confirmed by a majority vote of the county board of school directors The president and secretary of the county board of school directors shall certify to the Superintendent of Public Instruction the names and post-office addresses of the assistant county superintendents and supervisors of special education appointed as herein provided and their salaries as fixed by the directors' convention and such assistant county superintendents and supervisors of special education shall be commissioned by the Superintendent of Public Instruction in the same manner and under the same conditions as in the case of county superintendents

(b) Each assistant county superintendent commissioned in the year one thousand nine hundred forty-two shall thereafter continue in office without re-election for successive terms of four years each unless his services are terminated in the manner hereinafter provided At any time not later than sixty days prior to the date fixed by the act for the election of county superintendents the county board of school directors may file with the Superintendent of Public Instruction a petition demanding that the service of an assistant county superintendent be terminated at the end of his term and a new assistant county superintendent be appointed in his stead and assigned by a majority of the members of the county one thousand one hundred four (b) of this act for the termination of the service of a county superintendent at the end of a term Every such petition shall be signing one or more of the causes set forth in section board of school directors and shall be sworn to by the president and attested by the secretary of the county board of school directors A copy of such petition shall at the same time be filed with the assistant county superintendent affected thereby

(c) When as to any assistant county superintendent a petition demanding the termination of service at the end of a term has been filed with the Superintendent of Public Instruction within the time required by this section he shall upon request of the assistant county superintendent affected thereby fix a time and place of hearing At such hearing the Superintendent of Public Instruction may require under oath or affirmation such evidence as he may deem necessary and proper in support of or against the allegation in the petition He shall have power to issue subpoenas requiring the attendance of witnesses and the production of books and papers and to administer oaths to witnesses appearing and testifying before him in the manner and subject to the penalties provided in the Administrative Code

(d) If the petition filed with the Superintendent of Public Instruction is in conformity with law and no hearing is requested by the assistant county superintendent or if after hearing the Superintendent of Public Instruction shall sustain the petition filed he shall direct the county superintendent to nominate a new assistant county superintendent to the county board of school directors within fifteen days after receiving his commission who when confirmed by a majority vote of the county board of school directors shall continue in office for a term of four years and thereafter for successive terms of four years each unless his service shall be terminated in the manner herein provided But if he find the petition was not in conformity with law or that the evidence admitted does not sustain the allegations in the petition he shall dismiss the same and shall notify the county board of school directors and the county superintendent of schools that no new appointment is to be made

(e) If no new assistant county superintendent is appointed and the assistant county superintendent continues in office for another term then his annual salary shall remain at the amount last fixed unless a greater or reduced salary shall be voted for him in accordance with the provsiions and procedure and subject to the conditions hereinbefore provided in the case of county superintendents

Should the county superintendent and the county board

of school directors of any county fail to nominate and confirm the assistant superintendent or superintendents or supervisor of special education for such county within thirty days after the county superintendent has received his commission the Superintendent of Public Instruction shall appoint such assistant superintendent or superintendents or supervisor of special education to serve until the end of the county superintendent's term of office

Any person who is certified to teach in the public schools of the Commonwealth and who is certified as a public school psychologist by the Department of Public Instruction shall be eligible for appointment as a supervisor or joint supervisor of special education

The superintendent of each county entitled to a supervisor of special education shall nominate to the county board of school directors the candidate for the office of supervisor of special education By a majority vote of the county board of school directors the candidate may be appointed to serve until the end of the term of office of the county superintendent

The county superintendent of the counties which are entitled to a joint supervisor of special education shall nominate to their county boards of school directors the candidate for the office of joint supervisor of special education By a majority vote of the several members of the county boards of schools directors the candidate may be appointed to serve until the end of the terms of office of the county superintendents

Section 5 Section 1134 of said act as amended by the act of May twenty-third one thousand nine hundred twenty-three (Pamphlet Laws 349) is hereby further amended to read as follows

Section 1134 (a) The boards of school directors of each district of the second or third class electing a district superintendent shall meet [in convention] at its regular place of meeting on the second Tuesday of April one thousand nine hundred and [eighteen (1918)] forty-two (1942) [and every four years thereafter] at an hour previously fixed by said board and the secretary shall mail to each member thereof at least five days beforehand a notice of the time place and purpose of such [convention Such convention] meeting The board shall [in the same manner as a county superintendent is elected and certified] elect [and certify] at such meeting or at any adjourned session thereof a properly qualified district superintendent to serve for four years from the first Monday of July next following his election The results of the election shall be certified to the Superintendent of Public Instruction in the same manner as is required in the case of county superintendents. [Provided That on the second Tuesday of April one thousand nine hundred and twenty-six (1926) such district superintendents shall be elected as herein provided to serve from the first Monday of May one thousand nine hundred and twenty-six until the first Monday of July one thousand nine hundred and thirty (1930)] The district superintendent so chosen shall thereafter continue in office without re-election for successive terms of four years each unless his services are terminated in the manner hereafter provided

Every fourth year thereafter the school directors of the district in which the election of a district superintendent has been proclaimed as provided in this section shall meet and elect a district superintendent to serve from the first Monday of July next following such election who shall thereafter continue in office without re-election for successive terms of four years each unless an election shall be proclaimed as herein provided

(b) In the case of any district superintendent elected after the passage of this act any board of school directors may not later than sixty days prior to the date fixed by this act for the election of district superintendent file with the Superintendent of Public Instruction a petition demanding that an election for district superintendent be held on the day fixed by law and assigning in said petition one or more causes for holding election set forth in clause (c) of this section Every such petition shall be signed by a majority of the members of the board of school directors entitled to participate in such election shall be sworn to or affirmed by the president of the board and shall be attested by the secretary A copy of such petition shall at the same time be filed with the district superintendent affected thereby

(c) The only causes for which an election of a district superintendent may be demanded shall be an allegation or allegations that the incumbent has been guilty of immorality incompetency cruelty wilful and persistent neglect of duty mental derangement and wilful and persistent violation of the school laws of the Commonwealth or that said incumbent is physically or mentally incapacitated or has attained superannuation retirement age

(d) When as to any district superintendent a petition demanding an election has been filed with the Superintendent of Public Instruction within the time required by this act he shall upon request of the district superintendent affected thereby fix a time and place of hearing at such hearing the Superintendent of Public Instruction may require under oath or affirmation such evidence as he may deem necessary and proper in support of or against the allegation in the petition He shall have power to issue subpoenas requiring the attendance of witnesses and the production of books and papers and to administer oaths to witnesses appearing and testifying before him in the manner and subject to the penalties provided in the Administrative Code

(e) If the petition filed with the Superintendent of Public Instruction is in conformity with law and no hearing is requested by the district superintendent or if after hearing the Superintendent of Public Instruction shall sustain the petition filed he shall proclaim an election for district superintendent to be held on the date specified in this act and notify the board of school directors accordingly But if he finds that the petition was not in conformity with law or that the evidence submitted does not sustain the allegations in the petition he shall dismiss the same and shall notify the board of school directors that no election is to be held

(f) If the Superintendent of Public Instruction shall not proclaim the election of a district superintendent in a school district and the superintendent shall continue in office for another term of four years as provided in this section then his annual salary shall remain at the amount last fixed unless the board of school directors shall thereafter increase or reduce such salary by resolution adopted at any regular meeting of the board But no such deduction in salary shall be voted unless the school directors shall deem the same necessary for the purposes of economy and shall express such reason in the resolution reducing the salary nor shall such reduction be effective unless and until the Superintendent of Public Instruction shall first have approved the same

(g) Any assistant district superintendent appointed in the year one thousand nine hundred and forty-two shall continue in office for a term of four years and thereafter for successive terms of four years unless his service shall be terminated at the end of a four-year term for the same cause or causes specified and in the same manner and subject to the same procedure as provided in this section in respect to district superintendents A new assistant district superintendent shall be elected to hold office for successive terms of four years each subject to termination of service at the end of a term as herein provided in the case of district superintendents The annual salary of any assistant district superintendent so continued in office may be increased or reduced in the same manner and for the same reason and subject to the same conditions provided in this section in respect to district superintendents

(h) The term of office or commission of a district superintendent or assistant district superintendent shall not be shortened by reason of the fact that the district in which he serves shall because of loss of population enter a class of districts for which there is no provision for a district superintendent or assistant district superintendent and such superintendent or assistant superintendent shall continue to serve such district for the term of his office or commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. STEWART. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 793, as follows:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" providing that in cases where a person is accused of manslaughter by means of a motor vehicle he may be admitted to bail by the justice mayor recorder magistrate or alderman

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" is hereby amended to read as follows

Section 7 In all cases the party accused on oath or affirmation of any crime or misdemeanor against the laws shall be admitted to bail by one or more sufficient sureties to be taken before any judge justice mayor recorder magistrate or alderman where the offense charged has been committed except such persons as are precluded from being bailed by the constitution of this commonwealth Provided also That persons accused as aforesaid of murder or manslaughter shall only be admitted to bail by the supreme court or one of the judges thereof or a president or associate law judge of a court of common pleas Provided however That in cases where a party is accused of manslaughter by means of a motor vehicle or as a result of any accident in which a motor vehicle is involved the justice mayor recorder magistrate or alderman may admit such person to bail Persons accused as aforesaid of arson rape mayhem sodomy buggery robbery or burglary shall only be bailable by the supreme court the court of common pleas or any of the judges thereof or a mayor or recorder of a city

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

The SPEAKER. If there are no objections, the Chair will now take up bills on third reading, on page 22 of today's calandar. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1208, entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistant therewith," as amended, by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195.

Achterman,	Ewing,	Lichtenwalter,	Scanlon,
Ackermann,	Falkenstein,	Long,	Schrock,
Allen,	Fauset,	Lovett,	Schrope,
Alspach,	Finnerty,	Lyons,	Schwab,
Andrews,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simons,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moser, F. S.,	Tahl,
Bretherick,	Hall,	Moser, J. L.,	Tarr,
Broad,	Hamilton,	Muir,	Taylor,
Bronson,	Harbeson,	Munley,	Terry,
Brown, H. S.,	Harkins,	O'Brien,	Thistle,
Brown, S. W.,	Haudenshield,	O'Connor,	Thompson, E. F.,
Brunner,	Henry,	O'Dare,	Thompson, G. R.,
Burns,	Hess,	O'Keefe,	Tiemann,
Burris,	Hewitt,	Ominsky,	Tronzo,
Cadwalader,	Hindman,	O'Neill,	Trout,
Carpenter,	Hocke,	Peacock,	Van Allsburg,
Check,	Hoffman, J. N.,	Peale,	Van Belle,
Chervenak,	Hoffman, S. K.,	Powers,	Voorhees,
Christler,	Holland,	Preston,	Wagner,
Clark,	Hoyt,	Readinger,	Walsh,
Clearwater,	Huntley,	Reagan,	Watkins,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Webster,
Cohen, R. E.,	James,	Reese, R. E.,	Weiss,
Cook,	Jirolanio,	Regan,	Welsh, E. B.,
Cooper,	Johnston,	Reynolds,	Welsh, M. J.,
Corrigan,	Jones,	Rhodes	Westrick,
Cortese,	Kane,	Rider,	Wilkinson,
Curran,	Keenan,	Riley,	Williams,
Dalrymple,	Kenehan,	Robertson,	Wilson,
Denman,	Kline,	Rooney,	Winner,
DeNote,	Knoble,	Rose,	Wood, H. M.,
Dick,	Kowalski,	Roseberry,	Wood, L. H.,
Dix,	Krise,	Rosenfeld,	Wood, N.,
Donahue,	Lee,	Rothenberger,	Woodside,
Downey,	Leisey,	Royer,	Yeakel,
Eckels,	Levy,	Sarge,	Turner,
Ely,	Leydic,	Sarraf,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1150, entitled:

An Act to amend paragraph (a) and (b) of section three and section four of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the De-

partment of Mines and the courts and imposing penalties" by changing qualifications of applicants for examination as inspectors and the average to be attained in examinations to be deemed successful

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195.

Achterman,	Falkenstein,	Lovett,	Scanlon,
Ackermann,	Fauset,	Lyons,	Schrock,
Allen,	Finnerty,	Madden,	Schrope,
Alspach,	Fisher,	Malloy,	Schwab,
Andrews,	Fiss,	Malone,	Seif,
Auker,	Flanagan,	Marr,	Serrill,
Baker,	Fleming,	Matthews,	Shaw,
Balliet,	Foor,	McClester,	Shearer,
Balthaser,	Freed,	McGarrity,	Simons,
Bardes,	Fullerton,	McKinney,	Skale,
Bennett,	Furman,	McLane,	Sloan,
Bohn,	Gates,	McNally,	Snyder,
Boies,	Gillan,	McVay,	Sollenberger,
Boney,	Gillette,	Melchiorre,	Stambaugh,
Boorse,	Goll,	Mihm,	Stank,
Boose,	Gorski,	Montgomery,	Stewart,
Bower,	Habbyshaw,	Mooney,	Stockham,
Boyd,	Haines,	Moser, F. S.,	Sweeney,
Brancato,	Hall,	Moser, J. L.,	Tahl,
Bretherick,	Hamilton,	Muir,	Tarr,
Broad,	Harbeson,	Malone,	Taylor,
Bronson,	Harkins,	Munley,	Terry,
Brown, H. S.,	Haudenshield,	O'Brien,	Thistle,
Brown, S. W.,	Henry,	O'Connor,	Thompson, E. F.,
Brunner,	Hess,	O'Dare,	Thompson, G. R.,
Burns,	Hewitt,	O'Keefe,	Tiemann,
Burris,	Hindman,	Ominsky,	Tronzo,
Cadwalader,	Hocke,	O'Neill,	Trout,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Allsburg,
Check,	Hoffman, S. K.,	Peale,	Van Belle,
Chervenak,	Holland,	Powers,	Voorhees,
Christler,	Hoyt,	Preston,	Wagner,
Clark,	Huntley,	Readinger,	Walsh,
Clearwater,	Imbrie,	Reagan,	Watkins,
Cohen, H. B.,	James,	Reese, D. P.,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Weiss,
Cook,	Johnston,	Regan,	Welsh, E. B.,
Cooper,	Jones,	Reynolds,	Welsh, M. J.,
Corrigan,	Kane,	Rhodes,	Westrick,
Cortese,	Keenan,	Rider	Wilkinson,
Curran,	Kenehan,	Riley,	Williams,
Dalrymple,	Kline,	Robertson,	Wilson,
Denman,	Knoble,	Rooney,	Winner,
DeNote,	Kowalski,	Rose,	Wood, H. M.,
Dick,	Krise,	Roseberry,	Wood, L. H.,
Dix,	Lee,	Rosenfeld,	Wood, N.,
Donahue,	Leisey,	Rothenberger,	Woodside,
Downey,	Levy,	Royer,	Yeakel,
Eckels,	Leydic,	Sarge,	Turner,
Ely,	Lichtenwalter,	Sarraf,	Speaker.
Ewing,	Long,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 878, entitled:

An Act to further amend the fourth paragraph of section one of and to add new sections two and three to the act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-five) entitled "An act providing for the registration of bottles boxes siphons siphon-heads tins kegs cans soda-fountains cylinders of carbonic acid gas or other containers and forbidding the refilling of or dealing or trafficking in such registered bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers by persons other than the owners thereof without the written consent of the owner and imposing a penalty therefor providing for the issuing of process in the nature of search warrant providing what shall be prima facie proof thereof and providing that the delivery of said bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers shall not constitute a sale thereof" by providing for imprisonment for violations by providing injunctive relief and including a severabililty clause

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—120

Ackermann,	Fisher,	Leisey,	Simons,
Alspach,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	McClester,	Stockham,
Boorse,	Gillan,	McGarrity,	Sweeney,
Bower,	Gillette,	McKinney,	Tahl,
Boyd,	Goll,	McNally,	Taylor,
Bretherick,	Habbyshaw,	McVay,	Terry,
Bronson,	Haines,	Montgomery,	Thistle,
Brown, S. W.,	Hall,	Moser, F. S.,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, J. L.,	Tiemann,
Cadwalader,	Harbeson,	Muir,	Trout,
Check,	Haudenshield,	O'Dare,	VanAllsburg,
Christler,	Henry,	Peacock,	Voorhees,
Clark,	Hewitt,	Peale,	Wagner,
Clearwater,	Hocke,	Preston,	Watkins,
Cook,	Hoffman, J. N.,	Reagan,	Webster,
Cortese,	Hoyt,	Reese, D. P.,	Wilkinson,
Curran,	Huntley,	Riley,	Wilson,
Dalrymple,	Imbrie,	Robertson,	Winner,
Denman,	James,	Rose,	Wood, H. M.,
Dick,	Johnston,	Roseberry,	Wood, L. H.,
Dix,	Kline,	Royer,	Wood, N.,
Donahue,	Knoble,	Sarge,	Woodside,
Eckels,	Kowalski,	Seif,	Yeakel,
Ely,	Krise,	Serrill,	Turner,
Ewing,	Lee,	Shearer,	Speaker.

NAYS—66

Achterman,	Cooper,	Melchiorre,	Sarraf,
Allen,	Corrigan,	Mihm,	Schrock,
Andrews,	DeNote,	Mooney,	Schrope,
Baker,	Downey,	Munley,	Schwab,
Balthaser,	Falkenstein,	O'Brien,	Shaw,
Bohn,	Fauset,	O'Connor,	Skale,
Boies,	Finnerty,	O'Keefe,	Stank,
Boney,	Flanagan,	Ominsky,	Tarr,
Boose,	Furman,	O'Neill,	Thompson, E. F.,
Brancato,	Gorski,	Powers,	Tronzo,
Broad,	Harkins,	Readinger,	Walsh,
Brown, H. S.,	Hess,	Reese, R. E.,	Weiss,
Burris,	Keenan,	Regan,	Welsh, E. B.,
Carpenter,	Kenehan,	Rider,	Welsh, M. J.,
Chervenak,	Levy,	Rooney,	Westrick,
Cohen, H. B.,	Long,	Rothenberger,	Williams,
Cohen, R. E.,	Lovett,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 791, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing certain restrictions as to dams and other projects

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123

Ackermann,	Fisher,	Leydic,	Shearer,
Alspach,	Fiss,	Lichtenwalter,	Simons,
Auker,	Fleming,	Lyons,	Sloan,
Balliet,	Foor,	Madden,	Snyder,
Bardes,	Freed,	Marr,	Sollenberger,
Bennett,	Fullerton,	Matthews,	Stambaugh,
Boorse,	Gates,	McClester,	Stewart,
Boose,	Gillan,	McGarrity,	Stockham,
Bower,	Gillette,	McKinney,	Sweeney,
Boyd,	Goll,	McNally,	Tahl,
Bretherick,	Habbyshaw,	McVay,	Taylor,
Bronson,	Haines,	Melchiorre,	Terry,
Brown, S. W.,	Hall,	Montgomery,	Thistle,
Brunner,	Hamilton,	Moser, F. S.,	Thompson, G.R.,
Cadwalader,	Harbeson,	Moser, J. L.,	Tiemann,
Carpenter,	Haudenshield,	Muir,	Trout,
Christler,	Henry,	O'Dare,	Van Allsburg,
Clark,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cortese,	Huntley,	Rhodes,	Wilkinson,
Curran,	Imbrie,	Riley,	Wilson,
Dalrymple,	James,	Robertson,	Winner,
Denman,	Johnston,	Rose,	Wood, H. M.,
Dick,	Kline,	Roseberry,	Wood, L. H.,
Dix,	Knoble,	Royer,	Wood, N.,
Donahue,	Kowalski,	Sarge,	Woodside,
Eckels,	Krise,	Schrock,	Yeakel,
Ely,	Lee,	Seif,	Turner,
Ewing,	Leisey,	Serrill,	Speaker.

NAYS—58

Achterman,	Cohen, R. E.,	O'Brien,	Schrope,
Allen,	Downey,	O'Connor,	Schwab,
Andrews,	Flanagan,	O'Keefe,	Shaw,
Baker,	Furman,	Ominsky,	Skale,
Balthaser,	Gorski,	O'Neill,	Stank,
Bohn,	Harkins,	Powers,	Tarr,
Boles,	Hess,	Preston,	Thompson, E. F.,
Boney,	Keenan,	Readinger,	Tronzo,
Brancato,	Levy,	Regan,	Walsh,
Broad,	Long,	Reynolds,	Weiss,
Brown, H. S.,	Lovett,	Rider,	Welsh, E. B.,
Burris,	Malloy,	Rosenfeld,	Welsh, M. J.,
Check,	McLane,	Rothenberger,	Westrick,
Chervenak,	Mihm,	Sarraf,	Williams,
Cohen, H. B.,	Munley,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 448, entitled:

An Act to further amend section eight hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners counties cities borough incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by authorizing volunteer firemen to use sirens or whistles on vehicles when making emergency fire calls

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Falkenstein,	Long,	Sarraf,
Ackermann,	Fauset,	Lovett,	Scanlon,
Allen,	Finnerty,	Lyons,	Schrock,
Alspach,	Fisher,	Madden,	Schrope,
Andrews,	Fiss,	Malloy,	Schwab,
Auker,	Flanagan,	Malone,	Seif,
Baker,	Fleming,	Marr,	Serrill,
Balliet,	Foor,	Matthews,	Shaw,
Balthaser,	Freed,	McClester,	Shearer,
Bardes,	Fullerton,	McGarrity,	Simons,
Bennett,	Furman,	McKinney,	Skale,
Bohn,	Gates,	McLane,	Sloan,
Boles,	Gillan,	McNally,	Snyder,
Boney,	Gillette,	McVay,	Sollenberger,
Boorse,	Goll,	Melchiorre,	Stambaugh,
Boose,	Gorski,	Mihm,	Stank,
Bower,	Habbyshaw,	Montgomery,	Stewart,
Boyd,	Haines,	Mooney,	Stockham,
Brancato,	Hall,	Moran,	Sweeney,
Bretherick,	Hamilton,	Moser, F. S.,	Tahl,
Broad,	Harbeson,	Moser, J. L.,	Tarr,
Bronson,	Harkins,	Muir,	Taylor,
Brown, H. S.,	Haudenshield,	Munley,	Terry,
Brown, S. W.,	Henry,	O'Brien,	Thistle,
Brunner,	Hess,	O'Connor,	Thompson, E. F.,
Burns,	Hewitt,	O'Dare,	Thompson, G.R.,
Burris,	Hindman,	O'Keefe,	Tiemann,
Cadwalader,	Hocke,	Ominsky,	Tronzo,
Carpenter,	Hoffman, J. N.,	O'Neill,	Trout,
Check,	Hoffman, S. K.,	Peacock,	VanAllsburg,
Chervenak,	Holland,	Peale,	Van Belle,
Christler,	Hoyt,	Powers,	Voorhees,
Clark,	Huntley,	Preston,	Wagner,
Clearwater,	Imbrie,	Readinger,	Walsh,
Cohen, H. B.,	James,	Reagan,	Watkins,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Webster,
Cook,	Johnston,	Reese, R. E.,	Weiss,
Cooper,	Jones,	Regan,	Welsh, E. B.,
Corrigan,	Kane,	Reynolds,	Welsh, M. J.,
Cortese,	Keenan,	Rhodes,	Westrick,
Curran,	Kenehan	Rider,	Wilkinson,
Dalrymple,	Kline,	Riley,	Williams,
Denman,	Knoble,	Robertson,	Wilson,

DeNote,	Kowalski,	Rooney,	Wood, H. M.,
Dick,	Krise,	Rose,	Wood, L. H.,
Dix,	Lee,	Roseberry,	Wood, N.,
Donahue,	Leisey,	Rosenfeld,	oodside,
Downey,	Levy,	Rothenberger,	Yeakel,
Eckels,	Leydic,	Royer,	Turner.
Ely,	Lichtenwalter,	Sarge,	Speaker.
Ewing,			

NAYS—1

Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1437, Printer's No. 619 was passed over at the request of Mr. WATKINS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 785, entitled:

An Act to amend sections three hundred one and four hundred one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 1053) known and cited as the "Public Utility Law" by further limiting the control and regulation of the Commission in respect to rates service and extensions by municipal corporations

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Bucks, Mr. Stockham permit himself to be interrogated?

Mr. STOCKHAM. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker. I should like to inquire of the gentleman whether if this bill were passed it would not entirely vitiate whatever regulation the Public Utility Commission might have over a municipally owned utility serving communities outside the limitations of that municipality.

Mr. STOCKHAM. Mr. Speaker, I believe it would. I think the Utility Commission has no jurisdiction over a municipally owned utility within its corporate bounds. Wherever it extends beyond, it then gives it the same position as within their corporate bounds.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman what body would regulate the rates charged by a municipally owned utility serving communities outside the limitations of that municipality.

Mr. STOCKHAM. Mr. Speaker, the regulations would be the same as those within the municipality.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that there would be no supervision of the utility?

Mr. STOCKHAM. Mr. Speaker, I believe the position of the utility would continue exactly the same without as within, as under the present law.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that under the present existing law, within the boundaries of the municipality, there is no regulation of a municipally owned utility.

Mr. STOCKHAM. Mr. Speaker, where they have municipal authority it is regulated in that fashion.

Mr. HERBERT B. COHEN. Then, Mr. Speaker, I understand that the only regulation of a utility would come from the people within the municipality, is that correct.

Mr. STOCKHAM. Mr. Speaker, will the gentleman please repeat that question?

Mr. HERBERT B. COHEN. Mr. Speaker, as I understand from the gentleman's answer the only regulation of a municipally owned utility would come from the municipal authority if this bill were passed.

Mr. STOCKHAM. Mr. Speaker, that is correct, unless there were competition.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, what this bill does is to say to the municipally owned utility that is serving a community outside that municipality that there is no regulation of that municipally owned utility relative to rates where they are not in competition with another utility. As I understand a municipally owned utility would be under no supervision whatsoever.

We might have a situation where a community owned an electric light and power plant serving a community outside the municipal boundaries, with the result that that particular utility then would be under no supervision whatsoever as to rates. The chances are that they can institute prohibitive rates for the extension of their lines to such an extent that there would be no extension. On the other hand, they could impose such regulatory measures that the people outside the municipality would not be able to avail themselves of that particular utility's service. I see no reason why this bill should pass. I can see ample reason why within its own municipal limitations the utility should not be supervised by the Public Utility Commission, because within their own borders and within their own municipal limitations, the voters have an opportunity to express by their votes their desires as to the method in which the utility should be regulated. However, where a municipally owned utility assumes the obligation of serving a community outside its own borders, there must then be some regulatory body that will indicate to the utility, and will act in a quasi-judicial capacity in determining whether or not the rates and other activities of the utility are proper. If this particular municipally owned utility has assumed the obligation of going into a community, where by the very wording of this act, there is no other municipal service available in that particular community, then I say there should be some regulatory body that would act in the capacity of a judge in determining what is correct under the circumstances. I feel that to pass this bill is to expose any number of people of the Commonwealth to a situation where they have neither a voice in the municipality to determine how their municipally owned utility should be operated, nor do they have an agency that in any way will restrict the act of that particular utility. Under those circumstances, I think that this is a bad bill.

Mr. STOCKHAM. Mr. Speaker and members of the House, I believe no municipality can discriminate, and that where there is competition, they can be regulated, and where there is none the conditions that exist within the municipality would work no hardship on those outside. The intent and purpose of this bill is to avoid

the necessity of the additional reports that are required, that are not always required in the operation of a municipally owned plant. For that reason I believe this bill to be good and ask the membership of the House to vote for it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Bucse,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	Montgomery,	Thistle,
Brown, S. W.,	Hall,	Moser, F. S.,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, J. L.,	Tiemann,
Cadwalader,	Harbeson,	Muir,	Trout,
Carpenter,	Haudenshield,	O'Dare,	Van Allsburg,
Christler,	Hewitt,	Peacock,	Voorhees,
Clark,	Hocke,	Peale,	Wagner,
Clearwater,	Hoffman, J. N.,	Reagan,	Watkins,
Cook,	Hoyt,	Reese, D. P.,	Webster,
Cooper,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Self,	Turner,
Ely,	Krise,	Serrill,	Speaker.

NAYS—70

Achterman,	Finnerty,	Mihm,	Rothenberger,
Allen,	Flanagan,	Mooney,	Sarraf,
Baker,	Furman,	Munley,	Scanlon,
Balthaser,	Harkins,	O'Brien,	Schrope,
Bohn,	Henry,	O'Connor,	Schwab,
Boles,	Hess,	O'Keefe,	Shaw,
Boney,	Hoffman, S. K.,	Ominsky,	Skale,
Brancato,	Holland,	O'Neill,	Stank,
Broad,	Keenan,	Powers,	Tarr,
Brown, H. S.,	Kenehan,	Preston,	Thompson, E. F.,
Burns,	Levy,	Readinger,	Tronzo,
Chervenak,	Long,	Reese, R. E.,	Walsh,
Cohen, H. B.,	Lovett,	Regan,	Weiss,
Cohen, R. E.,	Malloy,	Reynolds,	Welsh, E. B.,
DeNote,	Malone,	Rider,	Welsh, M. J.,
Downey,	McLane,	Rooney,	Westrick,
Falkenstein,	McVay,	Rosenfeld,	Williams,
Fauset,	Melchiorre,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 15, 1939.

Resolved, (if the House of Representatives concur), That Senate Bill No. 268, Printer's No. 56, entitled "An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalites engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction relocation alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways limiting in certain cases the amount to be borne by the public utilities concerned and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement as well as the amount of damages or compensation awarded to the owners of adjacent property" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1005, as follows:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates

and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of fifty thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of two years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas the anthracite coal resources and industry of the Commonwealth are being damaged by reason of the high cost of transporting said anthracite coal to its past and present markets in comparison with other competing fuels tranported equal or greater distance to said markets

And Whereas the crippling of this vital Pennsylvania industry by such high transportation cost has not only injured those actively engaged in the anthracite coal industry but also by reason of the widespread unemployment in said anthracite coal industry and on the railroads of Pennsylvania which formerly transported much larger tonnages of said anthracite coal has caused tremendous burden of relief cost and taxes for public assistance upon the rest of the people of this Commonwealth making the problem one of important general public interest to the solution of which the Commonwealth should exert all its reasonable resources now therefore

Section 1 The Attorney General of the Commonwealth of Pennsylvania is hereby authorized and directed to take such steps as are necessary to resist increases and to secure reductions in freight or transportation charges on Pennsylvania produced anthracite coal from points in Pennsylvania where produced to such points or such areas as may be selected by him as being now or having been heretofore to a large extent served by Pennsylvania produced anthracite coal

And for this purpose the Attorney General is hereby authorized and directed to open new proceedings or in his discretion to intervene on behalf of the Commonwealth or on behalf of the anthracite coal producing industry or the anthracite coal producing people or any or all of them in any other proceeding conducted by private persons or by Governmental officials bureaus departments or agencies to secure such reductions or prevent such increases

Section 2 The authority of the Attorney General is hereby declared to be superior in any such endeavor suit or proceeding to that of any other department official agency or bureau of this Commonwealth except the Governor or the Legislature and he is hereby designated as the official to have supreme charge of any such suit litigation investigation or proceeding unless he shall by document in writing under his hand and seal authorize such supreme charge to be in some other official or department of the Commonwealth

Section 3 The Attorney General shall have power to fully pursue the purposes set forth in this Act and by himself or his deputies to authorize incur and pay the expense of procuring necessary evidence expert witnesses statistics and testimony hiring special counsel of his own selection paying the expenses of his own deputies agents employees and witnesses in any and all such proceedings and to use any or all of said money hereby appropriated for the purpose hereinbefore set forth at such rates as he may deem advisable during the balance of the year one thousand nine hundred and thirty-nine and during the whole or any part of the calendar year next ensuing

Section 4 The Attorney General may in his discretion contribute money furnish counsel or furnish evidence to other persons or corporations or counsel conducting proceedings suits or actions for the purposes hereinbefore set forth and for this purpose the sum of fifty thousand dollars or so much thereof as he may find necessary is hereby appropriated from the General Fund to the Attorney General for the purposes hereinbefore set forth

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This Act shall be known and may be cited as the "Anthracite Coal Reconstruction Transportation Appropriation Act"

Section 7 The sum of fifty thousand dollars is hereby appropriated from the General Fund to the Attorney General to use so much thereof as is necessary for the purposes of this Act

Section 8 This Act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, this bill, House Bill No. 1005, and the next one, House Bill No. 1007, are both bills appropriating fifty thousand dollars to the Attorney General's office to prosecute certain claims on the position of the Public Utility Commission before the Interstate Commerce Commission, on appeal to the United States Court. I hope that the proponents of the rate decrease for Pennsylvania anthracite and bituminous coal are successful. However, it seems that all competent legal authority up to the present time has indicated that there is little hope of maintaining the position of the Commonwealth of Pennsylvania in this particular litigation. I understand that the past, as well as the present chief counsel for the Pennsylvania Utility Commission, have both indicated that the chances of success in this particular litigation are very, very slim. I personally think it is a waste of one hundred thousand dollars in order to prosecute these claims, or prosecute our position, particularly in view of the fact that this matter has been previously analyzed by competent counsel, men who have the testimony and know on what the decision of the Interstate Commission was based.

I feel, however, that these moneys should be allocated because not to do so might lead one to believe that this side of the House is not willing to protect the interests of our anthracite and bituminous fields, as well as the interests of the many men and women that are engaged in that industry. However, if these moneys are going to be utilized by the present administration in an attempt to obtain publicity in that they are attempting to promote their own political desires thereby, I would definitely vote against these bills, but giving the administration the benefit of the doubt for the time being, although I do not think they are entitled to it, I would suggest that the membership vote for these bills, poor as they are.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett	Schrock,
Allen,	Fauset	Lyons,	Schwab,
Alspach,	Finnerty,	Madden,	Seif,
Andrews,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,

Balliet,	Fleming	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G.R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,
Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—1

Schrope,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1007, as follows:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of fifty thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of two years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas the bituminous coal resources and industry of the Commonwealth are being damaged by reason of the high cost of transporting said bituminous coal to its past and present markets in comparison with other competing fuels transported equal or greater distances to said markets

And Whereas the crippling of this vital Pennsylvania industry by such high transportation cost has not only injured those actively engaged in the bituminous coal industry but also by reason of the widespread unemployment in said bituminous coal industry and on the railroads of Pennsylvania which formerly transported much larger tonnages of said bituminous coal has caused a tremendous burden of relief cost and taxes for public assistance upon the rest of the people of this Commonwealth making the problem one of important general public interest to the solution of which the Commonwealth should exert all its reasonable resources now therefore

Section 1 The Attorney General of the Commonwealth of Pennsylvania is hereby authorized and directed to take such steps as are necessary to resist increases and to secure reductions in freight or transportation charge on Pennsylvania produced bituminous coal from points in Pennsylvania where produced to such points or such areas as may be selected by him as being now or having been heretofore to a large extent served the Pennsylvania produced bituminous coal

And for this purpose the Attorney General is hereby authorized and directed to open new proceedings or in his discretion to intervene on behalf of the Commonwealth or on behalf of the bituminous coal producing industry or the bituminous coal producing people or any or all of them in any other proceeding conducted by private persons or by Governmental officials bureaus departments or agencies to secure such reductions or prevent such increases

Section 2 The authority of the Attorney General is hereby declared to be superior in any such endeavor suit or proceeding to that of any other department official agency or bureau of this Commonwealth except the Governor or the Legislature and he is hereby designated as the official to have supreme charge of any such suit litigation investigation or proceeding unless he shall by document in writing under his hand and seal authorize such supreme charge to be in some other official or department of the Commonwealth

Section 3 The Attorney General shall have power to fully pursue the purposes set forth in this Act and by himself or his deputies to authorize incur and pay the expense of procuding necessary evidence expert witnesses statistics and testimony hiring special counsel of his own selection paying the expenses of his own deputies agents employees and witneses in any and all such proceedings and to use any or all of said money hereby appropriated for the purpose hereinbefore set forth at such rates as he may deem advisable during the balance of the year one thousand nine hundred and thirty-nine and during the whole or any part of the calendar year next ensuing

Section 4 The Attorney General may in his discretion contribute money furnish counsel or furnish evidence to other persons or corporations or counsel conducting proceedings suits or actions for the purposes hereinbefore set forth and for this purpose the sum of fifty thousand dollars or so much thereof as he may find necessary is hereby appropriated from the General Fund to the Attorney General for the purposes hereinbefore set forth

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This Act shall be known and may be cited as the "Bituminous Coal Reconstruction Transportation Appropriation Act"

Section 7 The sum of fifty thousand dollars is hereby appropriated from the General Fund to the Attorney General to use so much thereof as is necessary for the purposes of this Act

Section 8 This Act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, R. E.,	Weiss,
Cooper,	Johnston,	Regan,	Welsh, E. B.,
Corrigan,	Jones,	Reynolds,	Welsh, M. J.,
Cortese,	Kane,	Rhodes,	Westrick,
Curran,	Keenan,	Rider,	Wilkinson,
Dalrymple,	Kenehan,	Riley	Williams,
Denman,	Kline,	Robertson,	Wilson,
DeNote,	Knoble,	Rooney,	Winner,
Dick,	Kowalski,	Rose,	Wood, H. M.,
Dix,	Krise,	Roseberry,	Wood, L. H.,
Donahue,	Lee,	Rosenfeld	Wood, N.,
Downey,	Leisey,	Rothenberger,	Woodside,
Eckels,	Levy,	Royer,	Yeakel,
Ely,	Leydic,	Sarge,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—125.

Ackermann,	Ewing,	Leydic,	Simons,
Alspach,	Fisher,	Lichtenwalter,	Sloan,
Andrews,	Fiss,	Lyons,	Snyder,
Auker,	Fleming,	Madden,	Sollenberger,
Balliet,	Foor,	Marr,	Stambaugh,
Bardes,	Freed,	Matthews,	Stewart,
Bennett,	Fullerton,	McClester,	Stockham,
Boorse,	Gillan,	McGarrity,	Sweeney,
Boose,	Gillette,	McKinney,	Tahl,
Bower,	Goll,	McNally,	Taylor,
Boyd,	Habbyshaw,	McVay,	Terry,
Bretherick,	Haines,	Montgomery,	Thistle,
Bronson,	Hall,	Moser, F. S.,	Thompson, G. R.,
Brown, S. W.,	Hamilton,	Moser, J. L.,	Tiemann,
Brunner,	Harbeson,	Muir,	Trout,
Burris,	Haudenshield,	O'Dare,	VanAllsburg,
Cadwalader,	Henry,	Peacock,	Van Belle,
Carpenter,	Hewitt,	Peale,	Voorhees,
Christler,	Hocke,	Reagan,	Wagner,
Clark,	Hoffman, J. N.,	Reese, D. P.,	Watkins,
Clearwater,	Hoyt,	Rhodes,	Webster,
Cook,	Huntley,	Riley,	Wilkinson,
Cooper,	Imbrie,	Robertson,	Wilson,
Cortese,	James,	Rose,	Winner,
Curran,	Johnston,	Roseberry,	Wood, H. M.,
Dalrymple,	Jones,	Royer,	Wood, L. H.,
Denman,	Kline,	Sarge,	Wood, N.,
Dick,	Knoble,	Schrock,	Woodside,
Dix,	Kowalski,	Seif,	Yeakel,
Donahue,	Krise,	Serrill,	Turner,
Eckels,	Lee,	Shearer,	Speaker.
Ely,	Leisey,		

NAYS—69.

Achterman,	Finnerty,	Mooney,	Rothenberger,
Baker,	Flanagan,	Moran,	Sarraf,
Balthaser,	Furman,	Munley,	Scanlon,
Bohn,	Hess,	O'Brien,	Schrope,
Boles,	Hindman,	O'Connor,	Schwab,
Boney,	Hoffman, S. K.,	O'Keefe,	Shaw,
Brancato,	Holland,	Ominsky,	Skale,
Broad,	Jirolanio,	O'Neill,	Stank,
Brown, H. S.,	Keenan,	Powers,	Tarr,
Burns,	Kenehan,	Preston,	Thompson, E. F.,
Check,	Levy,	Readinger,	Tronzo,
Chervenak,	Long,	Reese, R. E.,	Walsh,
Cohen, R. E.,	Lovett,	Regan,	Weiss,
Corrigan,	Malloy,	Reynolds,	Welsh, E. B.,
DeNote,	McLane,	Rider	Welsh, M. J.,
Downey,	Melchiorre,	Rooney,	Westrick,
Falkenstein,	Mihm,	Rosenfeld,	Williams,
Fauset,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 925, entitled:

An Act to further amend sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses seven eight twelve and thirty-three of section twenty-three section thirty of and thirty-two and to add clause thirty-six to section twenty-three the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" further regulating distributors providing for hearings and recommendations on retail dispensers' licenses by district boards vesting additional powers and discretion in the Pennsylvania Liquor Control Board prohibiting the grant of licenses in certain territory and to places where

stores are operated providing for the advertisement of license applications regulating appeals from the action of the board and denying appeals in certain cases regulating the grant renewal transfer and revocation and suspension of licenses and amusement permits increasing retail dispensers' and club license fees and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker and members of the House, with the indulgence of the Chair and the members of the House I would like to make my remarks on both House Bills 925 and 1125.

The SPEAKER. If there be no objection, the gentleman may discuss both House Bills. The Chair hears no objection.

Mr. JIROLANIO. Mr. Speaker and members of the House, for the last week the members of the minority party attempted to explain to the majority party just what these bills attempted to do and what they will do if they are enacted into law.

As the present liquor law is today, both the Democratic and Republican parties have attempted to keep politics out of the liquor traffic. House Bill 925 and House Bill 1125 would do just the opposite of what both parties have attempted to do in the past four years. These bills ultimately will place the liquor traffic in the hands of politicians. At the same time, these very bills defeat one of the promises made by the new Governor of Pennsylvania, wherein he stated he would not place any additional burdens on the small business man and that burden in this case is this, members of the House, that in these several bills you are increasing the cost of the license fees; you are placing additional burdens on those persons who are licensed to do business. At the same time, you are depriving the Pennsylvania Liquor Control Board of the power that it has today, in attempting to place some of the power that they now have in the hands of politicians. Bear in mind that the liquor traffic in Pennsylvania is one of the biggest revenue producers the state has today. Through it thousands and thousands of people have been given employment. If my memory serves me correctly, these very bills seem to me to carry on the program of the Anti-Saloon League, and it seems to me that the so-called Anti-Saloon League has again come into power in the Commonwealth of Pennsylvania and is controlling the same group that has seen fit to draft these bills.

I would like to ask the members of the House of Representatives, those members who have drafted these bills, just whom they called upon for advice, what kind of people you called upon, what members of the minority party were called upon? And then I want to call to your attention the tactics that were resorted to in order to have these bills passed. I say to you members of the House that you are tearing asunder the efforts of both the Democrats and the Republicans in trying to have a liquor law that has met with hearty approval throughout the United States of America, and trying to substitute for it that which would not only bring disgrace upon the Commonwealth of Pennsylvania, but will deprive licensees of something which they have today. I feel it is unfair to impose the restrictions you are attempting to impose upon the retail licensees, the hotels, the restaurants, and especially upon the clubs, where you have seen fit to increase their license fees at least one hundred per cent. Bear in mind, members of the House, that clubs in Pennsylvania especially, this being a state of fraternalism, are not being operated for profit and they do not come in the same category as retail licensees, whose business is purely pecuniary. I say to the members of this House if you want to allow the Anti-Saloon League, the so-called reactionary organizations that are now coming back into Pennsylvania, to control the leadership of the Commonwealth, then pass these bills, and you will have the Anti-Saloon League becoming the boss, not only of the Republican Party, but of the people of Pennsylvania.

I ask everybody in this House to vote your consciences, forget your political affiliations for once, forget that you are Republicans, forget that you are Democrats and try to vote your consciences. If you do so, I know these bills will go down in defeat.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, last week I voiced my objections against these bills and divided my objections under three different headings. First, as to the cost of these additional boards; secondly, as to the increase in the liquor license fees, and third, as to the right of appeal. My words, of course, fell on stony ground. However, I might say to those who are in favor of this bill, from reliable figures, we will have to bill the people who indulge in liquor drinking, to put in this expensive piece of machinery, the sum of $520,920 per year. That doesn't include office equipment, such as stationery and other matters that pertain to office expense, it only has to do with salaries of the full time members, which according to the bill would be set at $199,800. If that $199,800 were spent for enforcement, no one I imagine in the Commonwealth would have any objection, but why $199,800 of anybody's money should be spent to set up these political boards is beyond my comprehension. I have figured out the salary of the per diem members, just allowing them fifty days per year, at a cost of ninety-six thousand dollars. That is on the basis of serving fifty days per year, not on the basis of one hundred and fifty days which perhaps they will serve, because it is inconceivable that they are going to appoint the per diem members and then just let them serve for a limited period of time. If that were true, we would not have any efficiency. These men will sit in a quasi judicial capacity and unless they have experience and that experience is gained in the days during which they sit, they can't accomplish very much. However, if the per diem members sit fifty days per year, it will cost the tax payers ninety-six thousand dollars. Another item to be considered is the traveling expenses of the district board, which as you know will be comprised of three members, who will be entitled to reasonable expenses, which will amount to thirty thousand dollars a year. Then you have the rental of sixty-four offices, they must have offices, which would amount to six thousand dollars. Other items will make up the total of $520,920 for as follows:

Office Clerks—(1 in each office)	$88,320
30 Hearing Stenographers	55,800
Traveling Expenses for Hearing Stenographers	10,000
Traveling Expenses for District Board Members	30,000

Now, Mr. Speaker and members of the House, if you feel that these bills will give us maximum enforcement

for the minimum sum of $520,920, then pass them. It does seem to me however that the estimated additional income from the licenses as now constituted will be diminished because of the refusal of licenses during this year. This $520,920 will not come from the additional fund, but will come from the fund that should be utilized by the Liquor Control Board for other purposes. I recognize that there is a twenty per cent increase in both House Bill 925 and House Bill 1125. That additional increase will offset the minimum cost of putting into operation these two bills. However, as I said before, those who feel that the liquor business justifies this expenditure, vote for it.

I would like to call attention briefly to the provision providing for a five hundred dollar bond. I haven't seen anybody that could justify that provision and I doubt if there is any member of this House who can justify closing the courts to a person who wants justice, or penalizing a person who comes to a court for justice, who forfeits five hundred dollars if he loses his case. That is nothing more than a threat; a threat to keep people out of business. I say to you that our eighty million dollar liquor business that has been an example for other states throughout the country is in serious jeopardy because of these bills.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Baker, Burns and Williams asked for a vertification of the roll.

The roll was verified and was as follows:

YEAS—122.

Ackermann,	Fisher,	Lichtenwalter,	Sloan,
Alspach,	Fiss,	Lyons,	Snyder,
Andrews,	Fleming,	Madden,	Sollenberger,
Atkins,	Foor,	Marr,	Stambaugh,
Auker,	Freed,	Matthews,	Stewart,
Balliet,	Fullerton,	McClester,	Stockham,
Bennett,	Gillan,	McGarrity,	Sweeney,
Boorse,	Gillette,	McKinney,	Tahl,
Boose,	Goll,	McNally,	Taylor,
Bower,	Habbyshaw,	McVay,	Terry,
Boyd,	Haines,	Moser, F. S.,	Thistle,
Bretherick,	Hall,	Moser, J. L.,	Thompson, G. R.,
Bronson,	Hamilton,	Muir,	Tiemann,
Brown, S. W.,	Harbeson,	O'Dare,	Trout,
Brunner,	Haudenshield,	Peacock,	Van Allsburg,
Burris,	Henry,	Peale,	Van Belle,
Cadwalader,	Hewitt,	Reagan,	Voorhees,
Carpenter,	Hocke,	Reese, D. P.,	Wagner,
Christler,	Hoffman, J. N.,	Rhodes,	Watkins,
Clark,	Hoyt,	Riley,	Webster,
Clearwater,	Huntley,	Robertson,	Wilkinson,
Cooper,	Imbrie,	Rose,	Wilson,
Cortese,	James,	Royer,	Winner,
Curran,	Johnston,	Sarge,	Wood, H. M.,
Dick,	Jones,	Scanlon,	Wood, L. H.,
Dix,	Kane,	Schrock,	Wood, N.,
Donahue,	Kline,	Seif,	Woodside,
Eckels,	Krise,	Serrill,	Yeakel,
Ely,	Lee,	Shearer,	Turner,
Ewing,	Leisey,	Simons,	Speaker.
Falkenstein,	Leydic,		

NAYS—74.

Achterman,	Denman,	Malone,	Rosebery,
Allen,	Downey,	McLane,	Rosenfeld,
Baker,	Fauset,	Melchiorre,	Rothenberger,
Balthaser,	Finnerty,	Mihm,	Sarraf,
Bardes,	Flanagan,	Montgomery,	Schrope,
Bohn,	Furman,	Mooney,	Schwab,
Boles,	Gorski,	Moran,	Shaw,
Boney,	Harkins,	Munley,	Skale,
Brancato,	Hess,	O'Connor,	Stank,
Broad,	Hindman,	O'Keefe,	Tarr,
Brown, H. S.,	Hoffman, S. K.,	Ominsky,	Thompson, E. F.,
Burns,	Holland,	O'Neill,	Tronzo,
Check,	Jirolanio,	Powers,	Walsh,
Chervenak,	Keenan,	Preston,	Weiss,
Cohen, H. B.,	Kenehan,	Readinger,	Welsh, E. B.,
Cohen, R. E.,	Knoble,	Reese, R. E.,	Welsh, M. J.,
Cook,	Long,	Regan,	Westrick,
Corrigan,	Lovett,	Reynolds,	Williams,
Dalrymple,	Malloy,	Rider,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1125, entitled:

An Act to further amend Sections 2 202 203 305 402 403 404 407 408 409 410 411 502 paragraphs (9) (10) and (14) of Section 602 paragraph (e) of Section 609 Section 610 paragraph (d) (2) of Section 611 and Section 701 of and to add Section 204 and paragraph (31) to Section 602, and paragraph (f) to Section 611, to the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by defining "district"; establishing the force of regulations of the board; creating district boards, regulating the appointment of members thereof, and defining their duties and powers; requiring the further advertising of applications for licenses, the issuance thereof and appeals from the decisions of the board; providing for hearings by the district boards; increasing fees for licenses, further regulating the revocation and suspension of licenses, and providing for the disposition thereof; providing for the giving of a bond in order to make any appeal a supersedeas; prohibiting the illegal use of purchase permit cards; changing the hours during which clubs may sell liquor or malt and brewed beverages; regulating licensees, interlocking business and the issuance of permits for entertainment; protecting the interests of holders of bailment leases and conditional sale contracts; prescribing additional penalties for sales to minors; and imposing duties upon municipalities.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LEVY. Mr. Speaker and members of the House, House Bill No. 1125 apparently is, if not the most, one of the most important pieces of legislation in the unbroken chain of broken promises of the Republican organization.

The Republican party during the campaign of 1938, promised the elimination of politics from relief and liquor. We see only too well what the organization meant when it said they were going to keep politics out of relief. The answer to that promise was the Van Allsburg bill. The promise as to liquor is the present bill before the House.

I wonder what the Republican organization has against the present control of liquor in the hands of the state. I wonder why the Republican organization insists that the domination and control of liquor be now handed down to county boards. From interrogation on this bill on second reading, the only answer I could get from the Republican side of the House was that this is a brazen attempt to place liquor into the hands of the judges and into the hands of Republican politicians. I challenge any member on the Republican side of the House to point one finger of accusation at the present personnel which comprises the State Liquor Control Board.

For the benefit of those Republicans who know not, the Liquor Control Board at the present time is comprised in the main of a majority of Republican members. Only recently the Governor of the Commonwealth appointed a third member to the Board to replace one whose term had expired, and if I remember correctly the Republican press was very conspicuous with its praise of this great personage from Carlisle, Pennsylvania. I wonder, by the provision as to county boards in House Bill No. 1125, if the Republican members of the Legislature do not agree with the Governor in the integrity, honesty and high standing of the new member of the board who is a Republican. I might point out to the Republican membership of this House that during the administration of Governor Earle, a Republican sat on the Liquor Control Board and he was retained because the former Governor of the Commonwealth wanted to keep liquor out of politics.

Now, Mr. Speaker and members of the House, the Republican membership may pass this bill this evening but I say to them that they are passing it with an ulterior purpose in mind. I charged on the second reading of this measure that the bill was written in the main by the Anti-Saloon League of Pennsylvania and I remember very distinctly that a Republican member rose to his feet and explained to the House that the Secretary of the Anti-Saloon League of Pennsylvania was in perfect accord with House Bill No. 1125. Then I ask the Republican membership of this House where is their basis for claiming this bill is sponsored for stricter enforcement of liquor control. There is no provision in the bill that provides for an additional staff of enforcement officers. There is nothing in the bill which would compel the present operators of tap rooms and clubs in the city of Philadelphia or any other city in the Commonwealth to operate more stringently. The only basis for this bill is to give to the Anti-Saloon League another issue to preach prohibition and every member on the Republican side of the House knows it, because the moment you give control of an eighty million dollar business into the hands of common politicians, you are going to have prohibition. Let not the Republican organization feel that they are kidding the people of the Commonwealth of Pennsylvania by boosting license fees relative to the issuance of these licenses. You well know that the elimination of certain licenses in the Commonwealth will bring down the amount of revenue to be collected yearly by the proportionate increase in the fees, and I tell you, members on the Republican side, that you are not going to enforce House Bill No. 1125, because you are not going to have the amount of money which it takes to enforce it.

There is a provision in the bill which provides for the filing of a bond. I asked the gentleman from Delaware, the sponsor of this bill, when the bill was on the floor of the House on second reading, why he had included this provision and his answer was very, very weak. He said that the provision of a bond was necessary to penalize those licensees who had been rejected and who were permitted to remain open pending an appeal. He stated very clearly on this floor that afternoon that it takes between eight, ten, and twelve months to get an appeal through the courts in liquor matters. I asked the gentleman from Delaware at that time to cite one specific incidence and he couldn't do it. I tell you this bond provision in the liquor act is a very vicious one. There is only one purpose behind it and that is to run every small licensee out of the state of Pennsylvania.

Taking everything into consideration, members of the House, this bill is not fit for passage and I urge you, if you have the welfare of your party at heart, to vote down this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Weiss, Check and Broad asked for a vertification of the roll.

The roll was verified and was as follows:

YEAS—117

Ackermann,	Fisher,	Leydic,	Sloan,
Alspach,	Fiss,	Lichtenwalter,	Snyder,
Andrews,	Fleming,	Lyons,	Sollenberger,
Atkins,	Foor,	Madden,	Stambaugh,
Auker,	Freed,	Marr,	Stewart,
Balliet,	Fullerton,	Matthews,	Stockham,
Bennett,	Gillan,	McClester,	Sweeney,
Boorse,	Gillette,	McGarrity,	Tahl,
Boose,	Goll,	McKinney,	Taylor,
Bower,	Habbyshaw,	McNally,	Terry,
Boyd,	Haines,	McVay,	Thistle,
Bretherick,	Hall,	Moser, F. S.,	Thompson, G. R.,
Bronson,	Hamilton,	Moser, J. L.,	Tiemann,
Brown, S. W.,	Harbeson,	Muir,	Trout,
Brunner,	Haudenshield,	O'Dare,	Van Allsburg,
Burris,	Henry,	Peacock,	Van Belle,
Cadwalader,	Hewitt,	Peale,	Voorhees,
Carpenter,	Hocke,	Reagan,	Wagner,
Christler,	Hoffman, J. N.,	Reese, D. P.,	Watkins,
Clark,	Hoyt,	Rhodes,	Webster,
Clearwater,	Huntley,	Riley,	Wilkinson,
Cooper,	Imbrie,	Robertson,	Wilson,
Cortese,	James,	Rose,	Winner,
Curran,	Johnston,	Royer,	Wood, H. M.,
Dick,	Jones,	Sarge,	Wood, L. H.,
Dix,	Kane,	Schrock,	Wood, N.,
Donahue,	Kline,	Seif,	Woodside,
Eckels,	Krise,	Serrill,	Yeakel,
Ely,	Lee,	Shearer,	Turner,
Ewing,	Leisey,	Simons,	Speaker.

NAYS—78

Achterman,	Falkenstein,	Malone,	Rooney,
Allen,	Fauset,	McLane,	Roseberry,
Baker,	Finnerty,	Melchiorre,	Rosenfeld,
Balthaser,	Flanagan,	Mihm,	Rothenberger,
Bardes,	Furman,	Mooney,	Sarraf,
Bohn,	Gorski,	Moran,	Scanlon,
Boles,	Harkins,	Munley,	Schrope,
Boney,	Hess,	O'Brien,	Schwab,
Brancato,	Hindman,	O'Connor,	Shaw,
Broad,	Hoffman, S. K.,	O'Keefe,	Skale,
Brown, H. S.,	Holland,	Ominsky,	Stank,
Burns,	Jirolanio,	O'Neill,	Thompson, E. F.,
Check,	Keenan,	Powers,	Tronzo,
Chervenak,	Kenehan,	Preston,	Walsh,
Cohen, H. B.,	Knoble,	Readinger,	Weiss,
Cohen, R. E.,	Levy,	Reese, R. E.,	Welsh, E. B.,
Cook,	Long,	Regan,	Welsh, M. J.,
Dalrymple,	Lovett,	Reynolds,	Westrick,
Denman,	Malloy,	Rider,	Williams,
Downey,			

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. JOHNSTON filed the following reasons for his vote:

I have supported House Bills 1337, 925, and 1125, not because I am in full sympathy with all that they contain, nor because they contain all that I desire, but for the following reasons:

First, because the Republican Party in its platform promised such advancement in liquor control and regulation as might be possible. These bills, I believe, are a step forward.

Second, because I have full confidence in the character and integrity of the House Committee on liquor control, which committee has declared that these bills are the best that it is possible to obtain at this particular time.

Third, because I have learned, by consultation with Dr. McBride, Secretary of the Anti-Saloon League, that he and his organization are satisfied with these bills, and believe them to be a step in the right direction.

Personally I believe that intoxicating liquors should not be sold on the day commonly called Sunday, either in licensed places on the street, or in clubs, as I have already said upon the floor of this House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 10:30 p. m. Is there objection? The Chair hears none and declares a recess until 10:30 p. m.

AFTER RECESS

The House reconvened at 10:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 256.

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by striking out the word "clause" and inserting in lieu thereof the following: "subsections (b) and (c) of section four hundred twelve clauses three and;" also line 2 of the title, by inserting after the word "thirteen" the words "and section one thousand two hundred seven."

Amend bill, page 1, by inserting after the enactment clause the following new section:

"Section 1 Subsections (b) and (c) of section four hundred twelve of the act approved the third day of June one thouand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" are hereby amended to read as follows

(b) In counties of the third fourth fifth sixth seventh and eighth classes the [minimum] compensation of judges inspectors clerks and machine inspectors [shall be five ($5.00) dollars] for each primary and election [In any election district in such counties in which more than one hundred votes are cast at any primary or election they shall each receive additional compensation at the rate of one ($1.00) dollar for each one hundred votes or fraction thereof cast after the first one hundred votes the maximum compensation in such districts however being ten ($10.00) dollars] shall be fixed by the commissioners of such counties which compensation may be based on flat sum for each election or primary or on the basis of work actually done by such judges clerks and inspectors

(c) For transmitting returns of primaries and elections and the ballot box or boxes all judges of election shall be entitled to receive the additional sum of two dollars and fifty cents ($2.50) and three cents ($.03) per mile for mileage as full compensation for said services;"

Amend Section 1, page 2, line 1, by striking out after the word "Section" the figure and word "1 Clause" and inserting in lieu thereof the figure and words "2 Clauses three and;" also same page line 2, by striking out before the word "act" the word "the" and inserting in lieu thereof the word "said;" also same page, by striking out in lines 2 to 13 inclusive the following:

"Approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is; also same page, line 13, by inserting before the word "hereby" the word "are;" also same page, by inserting after line 13, the following new paragraph:

"3 If for the offices of senator or representatives in the General Assembly or for any office to be filled by the electors of an entire county [or city] other than jury commissioner the sum of twenty-five dollars ($25.00) if for any office to be filled by the electors of an entire city the following sums if in a city of the first or second class twenty-five dollars ($25.00) if in a city of the second class A fifteen dollars ($15.00) and if in a city of the third class ten dollars ($10.00);" also same page, by inserting after line 20 the following new section:

"Section 3 Section one thousand two hundred seven of said act is hereby amended to read as follows

Section 1207 Peace Officers No Police Officer to Be Within One Hundred Feet of Polling Place Exceptions presence of Soldiers prohibited The constable of each borough township or ward or his deputy shall be present at

the polling place in each election district of such borough township or ward at each primary and election during the continuance thereof and while the votes are being counted for the purpose of preserving the peace and shall serve at all elections [without compensation] for which services he shall receive five dollars ($5.00) which sum shall include pay for serving notices in writing to persons elected at such election The election officers or any three qualified electors of any election district may call upon any mayor chief burgess sheriff deputy sheriff constable deputy constable or police officer to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching or to maintain order and quell any disturbance if such arises No police officer in commission whether in uniform on citizen's clothes shall be within one hundred feet of a polling place during the conduct of any primary or election unless in the exercise of his privilege of voting or for the purpose of serving warrants or unless called upon to preserve the peace as provided by this act No body of troops in the Army of the United Staes or of this Commonwealth shall be present either armed or unarmed at any place of election within this Commonwealth during the time of any primary or election Provided however That no officer or solider shall be prevented from exercising the right of suffrage in the election district in which he resides if otherwise qualified."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 423.

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties.

With the information that the Senate has passed the same with an amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 2, page 4, line 3, by striking out at the beginning of said line the word "two" and inserting in lieu thereof the word "one."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,

Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner.
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 687.

An Act to amend section three thousand seven hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto", by extending the power of park guards to police the lands, properties and buildings taken for park purposes, which are located beyond the limits of such cities.

With the information that the Senate has passed the same with an amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 7, by inserting after the word "playground" the words "or other public."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 822.

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width

With the information that the Senate has passed the same with an amendment, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 4, by inserting after the word "travel" the words "but in no case shall any public road be less than twenty-four feet in width".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,

Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1259.

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

With the information that the Senate has passed the same with an amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend bill, page 1, by inserting after line 11 the following new section:

"Section 2 This act shall become effective immediately upon final enactment"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boies,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 331

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 331, Printer's No. 613, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. MARR. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SIMONS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Beaver, Mr. Marr vote on the final passage of this bill?

Mr. MARR. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Mercer, Mr. Simons vote on the final passage of this bill?

Mr. SIMONS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MARR. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. MARR. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 4, page 6, line 14 by striking out after the word "upon" and before the word "be" the following: "[summary conviction before a magistrate]" and inserting in lieu thereof the following: "conviction thereof in a summary proceeding."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 373

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 373, Printer's No. 110, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. COOPER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McVAY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Cooper vote on the final passage of this bill?

Mr. COOPER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. McVay vote on the final passage of this bill?

Mr. McVAY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. COOPER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. COOPER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 2, page 2, line 5 by inserting at the end of the line the following: "in so far as they are inconsistent herewith"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 480

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 480, Printer's No. 584, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. FLEMING. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. CHRISTLER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Fleming vote on the final passage of this bill?

Mr. FLEMING. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Christler vote on the final passage of this bill?

Mr. CHRISTLER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. FLEMING. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. FLEMING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3, page 3, by striking out line 8.

Amend section 3, page 3, by inserting between lines 10 and 11 the following: "from bodily or mental defects deformities or diseases that"

Amend section 10, page 11, line 28 by striking out after the word "penalties" and before the word "hereby" the word: "[is]" and inserting in lieu thereof the following: "and its amendment are"

Amend section 11, page 12, line 4 by striking out at the end of the line the word: "[third]" and inserting in lieu thereof the word: "twenty-third"

Amend section 11, page 12, line 7 by inserting after the word "of" and before the word "cities" the word: "the"

Amend section 11, page 12, line 10 by inserting after the word "thereof" and before the word "a" the following: "and its amendment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 567

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1939.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 567, Printer's No. 166, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. HALL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. IMBRIE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Potter Mr. Hall, vote on the final passage of this bill?

Mr. HALL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Butler, Mr. Imbrie vote on the final passage of this bill?

Mr. IMBRIE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HALL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HALL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 2, page 3, line 9 by inserting at the end of the line after the word "nine" the following:

"Provided however That the provisions of this amendatory act shall not be applicable to sheriffs in office on the effective date of this act during their present term of office but such sheriffs shall during their present term of office continue to receive the salary prescribed by the act to which this act is an amendment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1074

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1939.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1074, Printer's No. 387, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. HABBYSHAW. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. WOODSIDE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Habbyshaw vote on the final passage of this bill?

Mr. HABBYSHAW. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside vote on the final passage of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HABBYSHAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HABBYSHAW. Mr. Speaker, I ask unanimous consent to off an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 1, page 2, line 8 by striking out, with boldface brackets, after the word "appoint" and before the word "members" the word: "[five]" and inserting in lieu thereof, with underscoring the word: "seven."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 259.

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the right of taxpayers to prevent the letting of certain general regulations in the making of insurance contracts by townships

HOUSE BILL No. 272.

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act, and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections

HOUSE BILL No. 284.

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant

HOUSE BILL No. 285.

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by providing for the election of auditors.

HOUSE BILL No. 297.

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases

HOUSE BILL No. 424.

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending and/or repealing inconsistent legislation

HOUSE BILL No. 487.

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

HOUSE BILL No. 559.

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities boroughs incorporated towns or townships or any combination thereof.

HOUSE BILL No. 573.

An Act to amend section four hundred and forty-six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

HOUSE BILL No. 616.

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

HOUSE BILL No. 623.

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Comomnwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

HOUSE BILL No. 624.

An Act to amend section nine of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing that compensation payable under this act shall be paid semi-monthly.

HOUSE BILL No. 642.

An Act to amend the title and section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines

HOUSE BILL No. 649.

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

HOUSE BILL No. 741.

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken

HOUSE BILL No. 792.

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

HOUSE BILL No. 896.

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

HOUSE BILL No. 899.

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended, by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

HOUSE BILL No. 902.

An Act to amend tnd re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending devising consolidating and changing the law relating thereto" as amended specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township county school district poor and institution district

HOUSE BILL No. 913.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

HOUSE BILL No. 956.

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

HOUSE BILL No. 961.

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers

HOUSE BILL No. 1057.

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administratin of this act and making an appropriation"

HOUSE BILL No. 1075.

An Act to repeal the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties" saving existing leases until terminated or revoked in accordance with their terms

HOUSE BILL No. 1078.

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance.

HOUSE BILL No. 1093.

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred seventy-nine) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law

HOUSE BILL No. 1094.

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

HOUSE BILL No. 1117.

An Act to further amend section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by redefining deductions in case of reinsurance

HOUSE BILL No. 1127.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeoman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

HOUSE BILL No. 1148.

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E Garrett deceased

HOUSE BILL No. 1149.

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account

HOUSE BILL No. 1164.

An Act to amend clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and rocedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts

HOUSE BILL No. 1172.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligation of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

HOUSE BILL No. 1173.

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Retirement System with respect to State employes receiving compensation from the Game Fund

HOUSE BILL No. 1174.

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

HOUSE BILL No. 1175.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

HOUSE BILL No. 1176.

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet te obligation of the Comonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

HOUSE BILL No. 1177.

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

HOUSE BILL No. 1178.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

HOUSE BILL No. 1189.

An Act to amend section six hundred and ten of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

HOUSE BILL No. 1201.

An Act to amend section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 796) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographic film reproductions or photographs or photostatic copies of certain original records

HOUSE BILL No. 1234.

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

HOUSE BILL No. 1243.

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

HOUSE BILL No. 1244.

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview

HOUSE BILL No. 1245.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requiremnts on the State debt

HOUSE BILL No. 1246.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

HOUSE BILL No. 1249.

An Act making an appropriation of moneys in the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways

HOUSE BILL No. 1253.

A Supplement to the act approved the eighth day of June one thousand nine hundred twenty-three (Pamphlet Laws six hundred eighty-five) entitled "An act prescribing the fees for the office of the Secretary of the Commonwealth" as amended providing for additional fees to be charged and collected by the Department of State

HOUSE BILL No. 1257.

An Act to amend the title Section 1 as amended and Sections 5 11 12 13 14 16 17 18 20 21 and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws 587) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto" by transferring administration of the act to the Department of Agriculture defining "Department" and changing penalties

HOUSE BILL No. 1320.

An Act to amend the act approved the fifteenth day of July one thousand nine hundred nineteen (Pamphlet Laws nine thousand fifty-four) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness

HOUSE BILL No. 1382.

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 625, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission

Mr. SNYDER from the Committee on Appropriations reported as amended, House Bill No. 1381, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

Mr. STOCKHAM from the Committee on Appropriations reported as amended, House Bill No. 341, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

Mr. HAMILTON from the Committee on Appropriations reported as amended, House Bill No. 1120, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Mr. HAMILTON from the Committee on Appropriations reported as amended, House Bill No. 434, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Mr. DONAHUE from the Committee on Appropriations reported as amended, House Bill No. 1141, entitled:

An Act making an appropriation to the Trustees of The Pennsylvania State College for repairs to the physical plant at the Mont Alto State Forest School.

Mr. JAMES from the Committee on Appropriations reported as amended, House Bill No. 438, entitled:

An Act making an appropriation to the Department of Commerce.

Mr. McVAY from the Committee on Appropriations reported as amended, House Bill No. 418, entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

Mr. McVAY from the Committee on Appropriations reported as amended, House Bill No. 1082, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Arts, Philadelphia, Pennsylvania.

Mr. WATKINS from the Committee on Appropriations reported as amended, House Bill No. 1084, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Mr. OMINSKY from the Committee on Appropriations reported as amended, House Bill No. 1101, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

Mr. DENMAN from the Committee on Appropriations reported as amended, House Bill No. 335, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

Mr. VAN ALLSBURG from the Committee on Appropriations reported as amended, House Bill No. 923, entitled:

A Supplement to the act, approved the twenty-sixth day of June, one thousand nine hundred thirty-one (P. L. 1386), entitled "An act providing for the care, protection, and maintenance of the brig Niagara, Commodore Perry's Flagship at the Battle of Lake Erie, and now the property of the State of Pennsylvania; creating a commission to be The Flagship Niagara Commission, and making an appropriation for such care, protection and maintenance," transferring the custody and control, restoration and rehabilitaton, care, protection and maintenance of the Flagship Niagara from the Flagship Niagara Commission to the Pennsylvania Historical Commission; providing for the continuance of the present Flagship Niagara Commission as an advisory committee; and for its discharge from certain duties and powers; and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same.

Mr. ALSPACH from the Committee on Public Utilities reported as amended, House Bill No. 1444, (Senate Bill No. 460), entitled:

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilties and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers by motor vehicles; providing for additional insurance by certain motor carriers of

passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

Mr. WEBSTER from the Committee on Appropriations re-reported as amended House Bill No. 550, entitled:

An Act making an appropriation to the Department of Property and Supplies to provide cases for the display of colors and standards of the World War and expenses connected therewith.

Mr. KANE from the Committee on Mines and Mining re-reported as amended, House Bill No. 1221, entitled:

An Act relating to the Anthracite Industry creating the Pennsylvania Anthracite Commission establishing its jurisdiction powers and duties providing for an Anthracite Producers' Advisory Board regulating the production and marketing of anthracite within the Commonwealth assigning production quotas to producers of anthracite fixing minimum prices for the sale of anthracite by producers prescribing standards of sizing purity and grading for anthracite levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite and the development of anthracite burning devices and additional uses for anthracite eliminating unfair discrimination in wage and hour standards in anthracite mining operations authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite providing for the licensing of anthracite producers and for the granting refusal suspension and revocation of such licenses providing for appeals to the courts of the Commonwealth from the orders of said Commission creating a special fund in the State Treasury into which the taxes fees fines and penalties arising under the Act are to be paid appropriating the monies in said fund and making a temporary appropriation to said fund and providing penalties and remedies for violations of the provisions of the Act and the rules regulations and orders of the Commission.

BILL RE-REFERRED

Mr. TROUT returned from the Committee on Motor Vehicles with the recommendation that it be re-referred to the Committee on Public Utilities, House Bill No. 1484, Senate Bill No. 58, entitled:

An Act to amend paragraph seven of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribng penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators and operators of farms and independent contractors transporting property for such associations and individuals.

The SPEAKER. The bill is now re-referred to the Committee on Public Utilities.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 256.

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the filing fee for certain nomination petitions.

HOUSE BILL No. 423.

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties;" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth; and changing penalties.

HOUSE BILL No. 687.

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by extending the power of park guards to police the lands properties and buildings taken for park purposes which are located beyond the limits of such cities.

HOUSE BILL No. 822.

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width.

HOUSE BILL No. 1259.

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM SLATE COMMITTEE

Mr. WINNER offered a report from the Slate Committee.

The report was twice read, considered and adopted as follows:

In the House of Representatives, May 15, 1939.

Resolved, That Ethel M. Watson, 307 W. College St., Canonsburg, Penna., be appointed Transcribing Clerk vice L. A. Malone, resigned, effective May 15, 1939.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 833, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the incurring and refunding of temporary indebtedness.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 500, as follows:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" are hereby amended to read as follows

Section 2 That any midwife or nurse or other person having the care of an infant whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth shall report the same in writing to the [health authorities of the city borough or township of the first class in which the case may be located or if it be located in a township of the second class or a city borough or township of the first class not having a board of health or body acting as such the State Department of Health] county medical director within six hours after the discovery thereof giving the name of the infant the names of the parents or guardians and the street and number of their residence or otherwise sufficiently designate the same together with the fact that such inflammation or swelling or redness exists [and shall make a similar report in writing] and such report shall be

confirmed in writing and a copy thereof sent to the family physician or if the family does not employ a physician to some regularly qualified practicing physician of the district

Section 3 That it shall be the duty of the said [health authorities or the State Department of Health] county medical director immediately upon receipt of a written report from a midwife or a nurse or person other than a practicing physician to notify the parents or guardian or other person having charge of the infant of the danger to the eyes or eye of said infant by reason of any neglect of proper treatment of the same

The county medical director shall investigate the condition personally and shall make Subject to the consent of the parent or guardian of the child arrangements for adequate medical and skilled nursing care He shall within four days forward on a special blank in duplicate to the State Department of Health such information as may be required

Section 4 Every physician in this Commonwealth who shall treat any infant's eyes for ophthalmia neonatorum (inflammation of the eyes of an infant) shall within forty-eight hours after said physician ceases treatment of or attendance upon such a case of ophthalmia neonatorum make a report in duplicate to the [Commissioner] Department of Health of the Commonwealth of Pennsylvania that said physician has treated a certain case of ophthalmia neonatorum giving full information as required in section one of this act stating that he has ceased treatment of or attendance upon said case and what was condition of infant's eyes when physician ceased treatment of or attendance upon said case of ophthalmia neonatorum

Any physician who shall treat or examine or have knowledge of an infant suffering from ophthalmia neonatorum (inflammation of the eyes of infants) shall report forthwith in writing to the State Department of Health

Section 6 Any physician midwife nurse or other person who shall violate any of the provisions of this act shall [upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed] be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty or more than one hundred ($100) dollars to be paid to the use of the said county and the costs of prosecution or to be imprisoned in the county jail for a period of not less than [ten (10)] thirty (30) or more than [thirty (30)] ninety (90) days or both at the discretion of the court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Self,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jarolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan	Riley,	Wilson,
Dalrymple,	Kline,	Robertson	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose	Wood, L. E.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rothenberger,	Woodside,
Donahue,	Leisey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
Eckels,	Leydic,	Sarraf,	Speaker.
Ely,	Lichtenwalter,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1451, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to lease from the General State Authority any bridge and road project constituting a connecting link across a river between two existing state highways providing for the operation of such bridge as a toll bridge and appropriating money from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Self,
Atkins	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,

Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burns,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1420, entitled:

An Act to amend the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by further defining the commissions of registers of wills regulating the opening of safety deposit boxes of a decedent permitting supplemental appraisements in certain cases further defining allowable deductions and limiting the time within which claims for deductions may be filed and conforming the act to existing law

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I am fearful that the amendment inserted in the bill on page 8 will reinstitute the payment of commissions to registers of wills beyond the amount set forth in the act of 1937 and I desire, therefore, to interrogate the sponsor of this measure: the sponsor yielding to the gentleman from Dauphin to interrogate the gentleman from Dauphin.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin just what is the import of the amendment on page 8, line 15, and the deletions that appear on line 14.

Mr. WOODSIDE. Mr. Speaker, the provisions of this act have, to an extent, the effect that the gentleman from York has already stated. A register of wills will receive a commission which in some instances will increase the amount that he receives at the present time, that is, only in those cases in which the maximum has already been received. The idea is this, that there are a certain number of old acts under which a transfer inheritance is still collected after the termination of the life estate. Under the provisions of the law as it exists today, a register of wills actually receives no commission for the collection of this tax. It has been the experience of the Department of Revenue and they feel that a register of wills not receiving any commission from the collection of this tax, does not have the interest in it he would have were he to receive a commission for the collection of this tax, and that the granting of this commission will increase the interest of the register of wills in collecting this tax and encourage them to collect a greater amount of tax. It is a particular type of tax that has to be followed very closely, as it is a tax collectable after the termination of a life estate, and it is in many instances much harder to collect and much harder to follow than the collection of the original tax on the estate of a decedent who has just died. For that reason this provision has been put back so that the register of wills will receive a commission allowed by law for the collection of the tax from estates which are still taxed under the old transfer inheritance tax laws.

Mr. HERBERT B. COHEN. Mr. Speaker, I have finished interrogating the gentleman from Dauphin. I would ask, under the circumstances, that this bill be passed over until I can determine to my own satisfaction that we are not placing the registers of wills in a position whereby he can hop on the so-called "gravy train" in the future, as he has in the past.

There has been a tremendous amount of bad legislation existent that was corrected by the act of 1937. The register of wills by that act is limited to collections of fees approximating ten thousand dollars. Previously there had been circumstances and situations in which the register of wills collected as high as thirty thousand, forty thousand and fifty thousand dollars a year. I don't feel after we elect a man to head the Commonwealth of Pennsylvania at a salary of eighteen thousand dollars or our justices of the Supreme and Superior Courts at a salary also approximating eighteen thousand dollars that we should allow to exist in our body politic a situation whereby a register of wills has legislation that will enable him to collect a salary far in excess of that paid to men occupying positions of such importance.

Under the circumstances I would ask the consideration of the majority floor leader to have both this bill and the next bill passed over until we have a definite determination of just how much additional money this amendment on page 8 will enable a register of wills to receive.

BILL PASSED OVER

Mr. WOODSIDE. Mr. Speaker and members of the House, I feel confident that the gentleman from York is mistaken in assuming that this bill will permit the law to return to the status in which it was prior to the act

which limited the amount the register of wills received for the collection of transfer inheritance taxes. However, in order to permit the gentleman to investigate and satisfy himself, I have no objection to this bill going over in order.

The SPEAKER. It has been agreed between the two floor leaders that this bill shall be passed over. The Chair hears no objection and the bill will be passed over.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1418, entitled:

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand sixty-three) entitled "An act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interest on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the law of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties" by further declaring the legislative intent and making further provisions for refunds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Fauset,	Lovett,	Scanlon,
Ackermann,	Finnerty,	Lyons,	Schrock,
Allen,	Fisher,	Madden,	Schrope,
Alspach,	Fiss,	Malloy,	Schwab,
Andrews,	Flanagan,	Malone,	Seif,
Atkins,	Fleming,	Marr,	Serrill,
Auker,	Foor,	Matthews,	Shaw,
Baker,	Freed,	McClester,	Shearer,
Balliet,	Fullerton,	McGarrity,	Simons,
Balthaser,	Furman,	McKinney,	Skale,
Bardes,	Gates,	McLane,	Sloan,
Bennett,	Gillan,	McNally,	Snyder,
Boles,	Gillette,	McVay,	Sollenberger,
Boney,	Goll,	Melchiorre,	Stambaugh,
Boorse,	Gorski,	Mihm,	Stank,
Boose,	Habbyshaw,	Montgomery,	Stewart,
Bower,	Haines,	Mooney,	Stockham,
Boyd,	Hall,	Moran,	Sweeney,
Brancato,	Hamilton,	Moser, F. S.,	Tahl,
Bretherick,	Harbeson,	Moser, J. L.,	Tarr,
Broad,	Harkins,	Muir,	Taylor,
Bronson,	Haudenshield,	Munley	Terry,
Brown, H. S.,	Henry,	O'Brien,	Thistle,
Brown, S. W.,	Hess,	O'Connor,	Thompson, E. F.,
Brunner,	Hewitt,	O'Dare,	Thompson, G. R.,
Burns,	Hindman,	O'Keefe,	Tiemann,
Burris,	Hocke,	Ominsky,	Tronzo,
Cadwalader,	Hoffman, J. N.,	O'Neill,	Trout,
Carpenter,	Hoffman, S. K.,	Peacock,	VanAllsburg,
Check,	Holland,	Peale,	Van Belle,
Chervenak,	Hoyt,	Powers,	Voorhees,
Christler,	Huntley,	Preston,	Wagner,
Clark,	Imbrie,	Readinger,	Walsh,
Clearwater,	James,	Reagan,	Watkins,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Webster,
Cohen, R. E.,	Johnston,	Reese, R. E.	Weiss,
Cook,	Jones,	Regan,	Welsh, E. B.,
Cooper,	Kane,	Reynolds,	Welsh, M. J.,
Corrigan,	Keenan,	Rhodes,	Westrick,
Cortese,	Kenehan	Rider,	Wilkinson,
Curran,	Kline,	Riley,	Williams,
Dalrymple,	Knoble,	Robertson,	Wilson,
Denman,	Kowalski,	Rooney,	Winner,
DeNote,	Krise,	Rose,	Wood, H. M.,
Dick,	Lee,	Roseberry,	Wood, L. H.,
Dix,	Leisey,	Rosenfeld,	Wood, N.,
Donahue,	Levy,	Rothenberger,	Woodside,
Eckels,	Leydic,	Royer,	Yeakel,
Ely,	Lichtenwalter,	Sarge,	Turner,
Ewing,	Long,	Sarraf,	Speaker.
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1083, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,

DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 976, entitled:

An Act making an appropriation to the Jamison Industrial School of Scranton Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 433, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson	Harkins,	Munley,	Thistle,
Brown H S.,	Haudenshield	O'Brien,	Thompson, E. F.,
Brown, S W.,	Henry,	O'Connor,	Thompson, G R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J N.	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1198, entitled:

An Act making an appropriation to aid certain school districts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boies,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 669, (Senate Bill No. 93), entitled:

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Falkenstein,	Long,	Scanlon,
Ackermann,	Fauset,	Lovett,	Schrock,
Allen,	Finnerty,	Lyons,	Schrope,
Alspach,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams
Dalrymple,	Kline,	Riley,	Wilson,
Denman,	Knoble,	Robertson,	Winner
DeNote,	Kowalski,	Rose	Wood, H. M.,
Dick,	Krise,	Roseberry,	Wood, L. H.,
Dix,	Lee,	Rosenfeld,	Wood, N.,
Donahue,	Leisey,	Rothenberger,	Woodside,
Downey,	Levy,	Royer,	Yeakel,
Eckels,	Leydic,	Sarge,	Turner,
Ely,	Lichtenwalter,	Sarraf,	Speaker.
Ewing,			

NAYS—2

Andrews,	Rooney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 255, entilted:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boies,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 22, entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Ackermann,	Ewing,	Long,	Scanlon,
Achterman,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boies,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1252, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

On the question,

Will the House agree to the bill on third reading?

Mr. FISHER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, line 1, by striking out the words "twenty-eight" and insert in lieu thereof "forty"

Amend sec. 1, page 1, line 2, by striking out the figures "($28,000)" and insert in lieu thereof "($40,000)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 258, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1449, entitled:

An Act to amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as amended by providing for exceptions in certain cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1153, entitled:

An Act to further amend section six hundred and fourteen B of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business o" banking and to exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain state departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing with respect to the statutory liability of common shareholders

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan	Riley	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker,
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1368, Printer's No. 689, was passed over at the request of Mr. CHRISTLER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 977, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker, I wish to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Beaver, Mr. Goll, permit himself to be interrogated?

Mr. JAMES. Mr. Speaker, in agreement with Mr. Goll, I will gladly answer the gentleman's questions.

The SPEAKER. The gentleman will proceed.

Mr. TRONZO. Mr. Speaker, I would like to ask the gentleman why on page 1 of the bill the lines, "and shall bear the label of the branch of the Allied Printing Trades Council of the locality," is stricken out of the bill?

Mr. JAMES. Mr. Speaker, it was believed and those interested in the bill agreed that reference to any organization, its marks or its name as to standards or qualifications for bidding on state printing was not constitutional.

Mr. TRONZO. Mr. Speaker, did the sponsor of this bill agree to that?

Mr. JAMES. Mr. Speaker, the sponsor of this bill gave his agreement to change it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,

Bohn,	Gates,	McNally,	Sollenberger,
Boies,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Dare,	Thompson, G. R.,
Brunner,	Hess,	O'Keefe,	Tiemann,
Burns,	Hewitt,	Ominsky,	Tronzo,
Burris,	Hindman,	O'Neill,	Trout,
Cadwalader,	Hocke,	Peacock,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peale,	Van Belle,
Check,	Hoffman, S. K.,	Powers,	Voorhees,
Chervenak,	Holland,	Preston,	Wagner,
Christler,	Hoyt,	Readinger,	Walsh,
Clark,	Huntley,	Reagan,	Watkins,
Clearwater,	Imbrie,	Reese, D. P.,	Webster,
Cohen, H. B.,	James,	Reese, R. E.	Weiss,
Cohen, R. E.,	Jirolanio,	Regan,	Welsh, E. B.,
Cook,	Johnston,	Reynolds,	Welsh, M. J.,
Cooper,	Jones,	Rhodes,	Westrick,
Corrigan,	Kane,	Rider,	Wilkinson,
Cortese,	Keenan,	Riley,	Williams,
Curran,	Kenehan,	Robertson,	Wilson,
Dalrymple,	Kline,	Rooney,	Winner,
Denman,	Knoble,	Rose,	Wood, H. M.,
DeNote,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rosenfeld,	Wood, N.,
Dix,	Lee,	Rothenberger,	Woodside,
Donahue,	Leisey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
Eckels,	Leydic,	Sarraf,	Speaker.
Ely,	Lichtenwalter,		

NAYS—1

O'Connor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmat[illegible]

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 758, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled: "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by declaring February fifteenth known as Susan B Anthony's birthday a legal holiday

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Fauset,	Lovett,	Sarge,
Ackermann,	Finnerty,	Lyons,	Sarraf,
Allen,	Fisher,	Madden,	Scanlon,
Alspach,	Fiss,	Malloy,	Schrope,
Atkins,	Flanagan,	Malone,	Schwab,
Baker,	Fleming,	Marr,	Serrill,
Balliet,	Foor,	Matthews,	Shaw,
Balthaser,	Fullerton,	McGarrity,	Simons,
Bardes,	Furman,	McKinney,	Skale,
Bennett,	Gates,	McLane,	Sloan,
Bohn,	Gillette,	McNally,	Snyder,
Boies,	Goll,	McVay,	Sollenberger,
Boney,	Gorski,	Melchiorre,	Stank,
Boorse,	Habbyshaw,	Mihm,	Stewart,
Bower,	Haines,	Mooney,	Stockham,
Brancato,	Hall,	Moran,	Sweeney,
Bretherick,	Hamilton,	Moser, F. S.,	Tahl,
Broad,	Harbeson,	Moser, J. L.,	Tarr,
Bronson,	Harkins,	Muir,	Taylor,
Brown, H. S.,	Haudenshield,	Munley,	Terry,
Brown, S. W.,	Henry,	O'Brien,	Thistle,
Brunner,	Hess,	O'Connor,	Thompson, E. F.,
Burns,	Hindman,	O'Dare,	Thompson, G. R.,
Burris,	Hocke,	O'Keefe,	Tiemann,
Cadwalader,	Hoffman, J. N.,	Ominsky,	Tronzo,
Carpenter,	Hoffman, S. K.,	O'Neill,	Trout,
Check,	Holland,	Peacock,	Van Belle,
Chervenak,	Huntley,	Peale,	Voorhees,
Christler,	Imbrie,	Powers,	Walsh,
Clark,	James,	Preston,	Watkins,
Clearwater,	Jirolanio,	Readinger,	Webster,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jones,	Reese, R. E.,	Welsh, E. B.,
Cook,	Kane,	Regan,	Welsh, M. J.,
Cooper,	Keenan,	Reynolds,	Wilkinson,
Corrigan,	Kenehan,	Rhodes,	Williams,
Cortese,	Kline,	Rider,	Wilson,
Curran,	Knoble,	Riley,	Winner,
Dalrymple,	Kowalski,	Robertson,	Wood, H. M.,
Denman,	Krise,	Rooney,	Wood, L. H.,
DeNote,	Lee,	Rose,	Wood, N.,
Dix,	Leisey,	Roseberry,	Woodside,
Downey,	Levy,	Rosenfeld,	Yeakel,
Eckels,	Leydic,	Rothenberger,	Turner,
Ewing,	Long,	Royer,	Speaker.
Falkenstein,			

NAYS—20

Andrews,	Ely,	Lichtenwalter,	Shearer,
Auker,	Freed,	McClester,	Stambaugh.
Boose,	Gillan,	Montgomery,	VanAllsburg,
Boyd,	Hewitt,	Reagan,	Wagner,
Dick,	Hoyt,	Schrock,	Westrick,
Donahue,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1086, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations, defining the rights, powers, duties, liabilities and immunities of such associations and of their officers, directors, shareholders, solicitors and other employees. prohibiting the transaction of business in this Commonwealth by foreign building and loan associations, conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions and officers, establishing limitations of actions, imposing penalties and repealing certain acts and parts of acts." by further defining the rights, powers, duties, liabilities and immunities of building and loan associations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boies,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1126, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts fixing a maximum salary for the executive director of the commission further revising the provisions of said act relating to the hunting privileges of certain minors the hours and seasons open for and lawful methods of hunting and trapping the possession and transportation of game furbearing animals and firearms hunting big game by groups and certain regulatory powers of the commission authorizing the establishment of wild life refuge projects by sportsmen's organizations fixing bounties on weasels and changing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. HAINES. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 501), page 7, line 26, by striking out the words: "except anterless deer"

Amend Sec. 1, page 9, line 5, by striking out the light faced brackets before the word "Deer"; also in line 8, by striking out the light faced brackets after the word "commission" and before the word "No"; also in line 10, by striking out the light faced bracket after the word "commission"; also on page 10, line 24, by striking out the light faced bracket before the letter "(a)"; also in line 28, by striking out the light faced bracket after the word "and"; also on page 11, line 1, by striking out the light faced bracket before the word "regulation"; also in line 9, by striking out the light faced bracket after the word "commission".

Amend Sec. 1 (Sec. 603), page 14, lines 24 and 25, by striking out the words: "in the Pennsylvania Game News" and inserting in lieu thereof: "as provided in section five hundred five of this act".

Amend Sec. 3 (Sec. 710), page 22, line 21, by inserting after the word "commission" the following: "or to a magistrate, justice of the peace or alderman".

Amend Sec. 3 (Sec. 710), page 22, line 24, by inserting after the word "protector" the following: "or his residence".

Amend Sec. 3 (Sec. 710), page 22, line 26, by inserting after the word "officer" the following: "to whom such penalty was paid".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 670, Senate Bill No. 206, Printer's No. 241, was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 189, as follows:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and all other agencies connected with police departments in counties except counties of the first class boroughs incorporated towns and townships maintaining a police force authorizing the creation of a Civil Service Commission in each county except counties of the first class borough incorporated town and township defining the powers and duties of such Civil Service Commission imposing certain duties and expenses on said counties boroughs incorporated towns and townships imposing penalties and repealing inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Appointees in Police Departments in Counties

Boroughs Incorporated Towns and Townships Placed Under Civil Service Hereafter all appointments to promotions in and removals from the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and in all other agencies connected with police protection work in any county except counties of the first class borough incorporated town or township maintaining a police force as hereafter defined may be made assording to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided in this act

The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies

In any such county borough incorporated town or township where a civil service commission shall be created as hereinafter provided no person shall thereafter be appointed reinstated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

Section 2 Creation of Civil Service Commission Appointment of Commissioners Vacancies Each county except counties of the first class borough incorporated town and township where a police force is being maintained may create by resolution or ordinance as the case may be a civil service commission hereinafter referred to as the commission Each commission shall consist of three commissioners who shall be qualified electors of the county or political sub-division for which appointment and shall be appointed to serve for the terms of two four and six years as follows

In the case of a county commission one by the Board of County Commissioners for a term of four years in the case of a borough commission one by the Burgess and Council for the term of four years in the case of a town commission one by the Burgess and Council for the term of four years and in the case of a township commission one by the township commissioners or township supervisors as the case may be for the term of four years and in the case of any and all of said commissions one by the majority of officers and employes of the Police Department of the county or political sub-division for which the commission is to be appointed for the term of two years and in the case of any and all of said commissions one by the two commissioners so appointed to serve for the term of six years

The members of each commission first appointed under the provisions of this act shall be so appointed within thirty days after effective date of this act Thereafter all appointments to the Civil Service Commission shall be for a term of six years

Any vacancies occurring in any commission for any reason whatsoever shall be filled for the unexpired term within a period of thirty days after such vacancy occurs Such vacancy shall be filled by the appointing power which made the original appointment

Each Civil Service Commission created under this act shall be the Civil Service Commission for the county or political sub-division as the case may be with respect to the police bureau department or force thereof as provided in section one hereof

Section 3 Offices Incompatible With Civil Service Commissioners Political Activities Prohibited No commissioner shall at the same time hold any elective civil office under the United States Government the Commonwealth of Pennsylvania or any political sub-division of the Commonwealth No commissioner shall serve on any political committee or take part in the management of any political campaign

Section 4 Organization of Civil Service Commission Quorum The commission of each county or political subdivision first appointed shall organize within ten days of their appointment and shall elect one of their members as the chairman and one as the Secretary of the Commission Each commission shall thereafter meet and organize on the first Monday of each even numbered year All meetings shall be called through writing and each commissioner shall be notified of each and every meeting Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members

Section 5 Clerks to the Commission Office and Supplies The county or political sub-division as the case may be shall supply to the commission on its requisition without extra compensation such clerical and stenographic assistance as may be necessary for the work of the commission and may in its discretion pay the compensation of a permanent stenographer-clerk to the commission The county or political sub-division as the case may be shall provide a suitable and convenient room or rooms furnished lighted and heated for the use of the commission The commission shall order from the county or political sub-division the necessary stationary postage printing or supplies and an official seal for its use and every such county or political sub-division shall aid the commission in all proper ways in carrying out the provisions of this act and shall allow the reasonable use of public buildings and shall light and heat the same for holding examinations and investigations

Section 6 Powers and Duties of Commission The commission shall prescribe adopt and amend rescind and enforce rules and regulations for carrying into effect the provisions of this act Before any such rules and regulations are placed in force as to the county or any political sub-division affected the same shall first be approved by the county commissioners for the county the Burgess and Council for the borough the Burgess and Council for the incorporated town and the township commissioners or supervisors for the townships as each respective case may be When such rules and regulations have been so approved they shall not be annulled or changed without the approval of the commission and the county or political subdivision affected

In case of disagreement on any question coming before the commission and the county or political subdivision so affected such question or questions shall be submitted to an arbitration board which has no active interest in the police bureau department or force of the said county or political sub-division The board of arbitration consisting of three members shall be appointed by the president judge of the court of common pleas of said county The board of arbitration shall render a decision on all disputes coming to its attention within a period of thirty days and such decisions shall be final

If the officers given power to approve rules and regulations shall fail to take action within one calendar month from the date of submission to them then such rules and regulations shall become effective in the same manner as if they had been approved

Due notice of the contents of all rules and regulations and of any modifications thereof shall be given by mail to the appointing officers of the county or political subdivision and such rules and regulations or modifications thereof shall be printed for public distribution

Section 7 Minutes and Records The commission shall keep minutes of its examinations and other official actions

All recommendations of applicants for appointment received by the commission or by any officer having authority to make appointments to office shall be kept and preserved for a period of ten years and all such records (records of former employes excepted) and all written causes of removal filed by the commission shall be open to public inspection at reasonable hours and subject to reasonable regulation

Section 8 Investigations The commission shall have power to make investigations concerning all matters touching the enforcement and administration of the provisions of this act and rules and regulations prescribed hereunder concerning the action of any examiner or subordinate of the commission and in the course of such investigation each commissioner shall have power to administer oaths or affirmations and take testimony

Section 9 Subpoenas The commission shall have power to issue subpoenas under its seal and signature of the

chairman and require the attendance of witnesses and the production of books records and papers pertinent to any investigation or inquiry authorized by this act and to examine them and such public records as it shall require in relation to any matter which it has authority to investigate

Witnesses obeying any subpoenas of the commission shall be entitled to the same witness fees and mileage as is prescribed for witnesses in the courts of the county and shall be paid from appropriations for incidental expenses of the commission

All officers in public service and their deputies clerks subordinates and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the commission or any commissioner the commission may apply to the court of common pleas of the county for a subpoena requiring the attendance of such person before the court there to testify and to produce any books records and papers

If any person shall refuse to obey any subpoena issued by the court in pursuance hereof he shall be subject to punishment for contempt

Section 10 Annual Report The commission shall make an annual report to the county commissioners or the political subdivision as the case may be setting forth its rules and regulations in force and its suggestions for more effectual accomplishment of the purpose of this act Such report shall also contain a brief summary of its work during the year and shall be available for public inspection five days after the same shall have been delivered to the proper authorities of the county or political subdivision

Section 11 General Provisions Relating to Examinations All examinations for positions or promotions in the police department of any county or political subdivision shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them All examinations shall be open to all applicants who have fulfilled the preliminary requirements of this act

Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission

Each applicant for a county examination shall have been a resident of the county for a period of five years and for a political subdivision examination shall have been a resident of the county for at least five years and of the political subdivision thereof in which he seeks to obtain employment at least two years prior to filing the application

Public notice of the time and place of every examination together with information as to the kind of position or place to be filled shall be given by publication in two newspapers published in said county at least two weeks prior to each examination

The commission shall adopt reasonable regulations permitting the presence of representatives of the press at examinations

The commission shall post publicly in its office the eligible list containing the name and grades of those who have passed the examination for positions under this act and shall indicate thereon such appointments as may be made from said lists

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation

(a) His full name and residence or post office address
(b) His citizenship place and date of birth
(c) His condition of health and physical capacity for public service
(d) His business and employments and his residences for the past five previous years
(e) Such other information as may be reasonably required by the commission touching the applicant's qualifications and fitness for public service

Military service records shall be considered by the commission upon such application

Blank forms for such applications shall be furnished by the commission without charge to the person requesting the same

The commission may require in connection with the application for examination such certificates from citizens physicians and others having knowledge of the applicant as the good of the service may require

Section 13 Rejection of Applicants Hearings The commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible any one who is found to lack any of the established preliminary requirements for examination for the position or employment for which he has applied or who is physically so disabled as to be rendered unfit for the performance of the duties of the positoin to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime or of infamous or notorious disgraceful conduct or who has been dismissed from public service for delinquency or misconduct or who has made a false statement of any material fact or practiced or attempted to practice any deceit or fraud in his application or in his examination or in establishing his eligibility or who refuses to comply with the rules and regulations of the commission

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person appoint a time and place where he may appear personally and by counsel Whereupon the commissioner shall then review its refusal to make such examination or certification and take such testimony as may be offered The commission shall subpoena at the expense of the applicant any competent witness requested by him

Section 14 Manner of Filling Appointments Every position or employment unless filled by promotion reinstatement or reduction shall be filled only in the following manner The appointing officer or officers of the county or political sub-division shall notify the commission of any vacancy in the police bureau department or force which he desires to fill and shall request the certification of a list of eligibles The commission shall forthwith certify from the eligible list the names of three persons thereon who have received the highest averages in the preceding examinations held under the provisions of this act within a period of one year next preceding the date of the request for such eligibles The appointing officer shall thereupon with sole reference to the relative merit and fitness of the candidates make an appointment from the three names certified in the order of their relative merit and fitness unless he makes objections to the commission as to one or more of the persons so certified for any of the reasons stated in section thirteen of this act Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed When there are a number of positions of the same kind to be filled at the same time each appointment shall nevertheless be made separately in accordance with the aforesaid procedure

The term "appointing officer" as used in this act shall be construed to mean the officer or officers or body in any county or political sub-division in whom is vested the power of appointment of paid employes in the police bureau department or force as defined in section one of this act

Setion 15 Age Limits of Applicants for Examinations Exceptions for Former Employes No person shall be eligible to apply for examination unless he or she is more than twenty-one and not over fifty years of age at the date of application Provided however This shall not

be construed to apply to those who are called for military service during times of peace or war

When in any county or political sub-division a physical examination of an employe or employes in the police bureau department or force is made by a doctor a copy of the report of the findings of the doctor shall be furnished to each person examined within twenty-four hours after its receipt by the county or political sub-division

Section 16 Probationary Period All original appointments to any position in the police bureau department or force within the terms of this act shall be for a probationary period of six months but during the probationary period an appointee may be dismissed only for just cause in the manner provided by section thirteen of this act If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the appointing officer the probationer shall be notified in writing that he will not receive a permanent appointment Thereupon his employment shall cease otherwise his retention in the service shall be equivalent to his final appointment

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police department of any county or political sub-division and there are no names on the eligible list for such appointment the appointing officer may nominate a person to the commission for non-competitive examination If such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination in the manner prescribed in this act No such provisional appointment shall continue for a longer period than three months nor shall a successive provisional appointment be made to the same position Provided however That nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for the suppression of riots tumults in times of war pestilence conflagration or public celebration

Section 18 Promotions Promotions shall be based upon merits to be ascertained by tests to be prescribed by the commission All questions relative to promotion shall be practical in nature as to the promotion sought requires Provided however That no person shall be eligible for promotion in boroughs incorporated towns or townships until after serving three years

The commission shall have power to determine in each instance whether an increase in salary constitutes a promotion

Military service records shall not apply in taking examinations for promotion in any department

Section 19 Physical Examinations All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of a doctor of medicine appointed by the Civil Service Commission No person shall be eligible to take an examination until said doctor certifies that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the duties of the position desired

Section 20 Removals No person employed in any police department of any county or political sub-division shall be removed discharged or reduced in rank except for the reasons specified in section thirteen of this act and in no event until he shall have been furnished with a written statement of the reasons for such action A person so employed shall not be removed for religious or political reasons in every such case of removal or reduction in rank a copy or statement of the reasons therefor and written answers thereto if the person sought to be removed or reduced in rank desires to file such written answers shall be furnished by the commission

If the person sought to be removed or reduced in rank shall demand it a court of inquiry or trial board shall be constituted as provided in section twenty-one of this act if there are sufficient members in the Police Department to carry into effect the provisions of this section In all other cases the demand shall be to the commission The court of inquiry or trial board or commission as the case may be shall grant him a public hearing which shall be held within the period of ten days from filing of the charges in writing and the written answers thereto At any such hearing the person against whom the charge is made may be present in person and by counsel and the burden shall be upon the removing officer to justify his action In the event that the court of inquiry or trial board or commission fails to uphold the action of the removing or demoting officer then the person sought to be removed or demoted shall be reinstated with full pay for the period during which he may have been prevented from performing his usual employment and no charges shall be officially recorded against his record

A written record of all testimony taken at such hearings shall be filed with and preserved by the commission which record shall be sealed and not available for public inspection in the event no appeals shall be taken from the action of the court of inquiry trial board or commission

In the event the court of inquiry trial board or commission shall sustain the action of the removing or demoting officer the person removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county Such appeal shall be taken within ninety days from date of entry by the court of inquiry trial board or commission of its final order and shall be by petition Upon such appeal being taken and docketed the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and no additional proof or testimony shall be permitted to be introduced The decision of the court affirming or reversing the decision of the court of inquiry trial board or commission shall be final and the employe shall be discharged demoted or reinstated in accordance with the order of the court

The removing or demoting officer and person sought to be removed or demoted shall at all times have the right to employ counsel before the court of inquiry tria' board or commission and upon appeal to the court of common pleas

If for reasons of economy or other reasons it shall be deemned necessary by any county or political sub-division to reduce the number of paid employes of the police department then such county or political sub-division shall apply the following procedure (a) If there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty-five years of age or over (b) If the number of paid employes in the police department bureau or force eligible to retirement is insufficient to effect the reduction in numbers decided by the county or political sub-divison or if there are no persons eligible for retirement or if no retirement or pension fund exists then the reduction shall be effected by suspending the last man or men including probationers that have been appointed to said police bureau department or force Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed until such reduction shall have been accomplished In the event the said police bureau department or force shall again be increased the employes suspended shall be reinstated in numerical order commencing with the last man suspended before any new appointments shall be made

Section 21 Selection of Court of Inquiry or Trial Board The head of the department shall in the presence of the accused and a brother officer or employe acting as his counsel cause the names of at least twenty-five members in said bureau of police bureau of detectives police women bureau of electricity in connection with police department police telephone operators and their assistants radio operators and their assistants and all other agents in connection with police work in the county or political subdivison equal or superor in rank to the accused to be wrtten upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided and cause said slips to be placed in a box from which the same shall be drawn by lot by some disinterested person until seven names shall have been drawn therefrom Whereupon the head of the department and the

accused shall each in turn be entitled to exercise the right of challenge until only three names are left Said three persons shall compose a court of either inquiry or trial board as the case may be

The chief executive or head of the department as the case may be shall not be present during the deliberations of court of inquiry or trial board except as a witness and shall in no way interfere with the court of inquiry or trial board

No member's name shall be used as a court of inquiry or trial board members more than once within a period of thirty days In the event of an insufficient membership on the police department to provide a court of inquiry or trial board then such cases shall be decided by the commission

Section 22 Present Employes Exempted All appointments in the bureau of police bureau of detectives police women bureau of electricity in connection with police department police telephone operators and their assistants police radio operators and their assistants and in all other agencies connected with police work in the employ of all counties boroughs incorporated towns and townships upon the effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion Provided however That this section shall not be construed to apply to person employed temporarily in emergency cases

Section 23 Discrimination on Account of Political or Religious Affiliations No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced

No discrimination shall be exercised threatened or promised by any person in the police bureau police department or force against or in favor of an applicant person on the eligible list or employe because of political or religious opinions or affiliations

Section 24 Penalty Any appointing power who appoints any person to the police bureau department or force of any county or political sub-division contrary to the provisions of this act or who wilfully refuses or neglects to comply with or conform to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction therof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or suffer imprisonment not exceeding three months or both

Section 25 Salaries of the Civil Service Commissions The civil service commissioners shall receive such salaries or compensation as are provided by the board of county commissioners for the county the burgess and council for the borough or incorporated town and the board of township commissioners or supervisors for the township

Section 26 Repeal and Construction All acts and parts of acts general special or local inconsistent with this act are hereby repealed

It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction removal and reinstatement of members of the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and all other agencies connected with police work in every county borough incorporated town and township within this commonwealth which maintains a police force

Section 27 Police Force Defined Police force as used in this act shall mean a police force consisting of two or more policemen organized and operating as prescribed by law the members of which devote their normal working hours to police duty or duty in connection with bureaus agencies and services connected with police protection work and who are paid a stated salary or compensation for such work by the county or political subdivision

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—163

Achterman,	Downey,	Leydic,	Robertson,
Allen,	Eckels,	Lichtenwalter,	Rooney,
Alspach,	Ely,	Long,	Rose,
Andrews,	Ewing,	Lovett,	Roseberry,
Atkins,	Falkenstein,	Lyons,	Rosenfeld,
Auker,	Fauset,	Madden,	Royer,
Baker,	Finnerty,	Malloy,	Sarge,
Balliet,	Fisher,	Malone,	Sarraf,
Balthaser,	Flanagan,	Marr,	Scanlon,
Bardes,	Fleming,	McGarrity,	Schrope,
Bennett,	Foor,	McLane,	Schwab,
Bohn,	Freed,	McNally,	Seif,
Boles,	Fullerton,	McVay,	Shaw,
Bower,	Furman,	Melchiorre,	Shearer,
Boyd,	Gates,	Mihm,	Simons,
Brancato,	Gillan,	Montgomery,	Skale,
Bretherick,	Gillette,	Mooney,	Sloan,
Broad,	Goll,	Moran,	Stambaugh,
Brown, H. S.,	Gorski,	Moser, F. S.,	Stank,
Brown, S. W.,	Haines,	Moser, J. L.,	Sweeney,
Burns,	Hall,	Muir,	Tahl,
Burris,	Hamilton,	Munley,	Tarr,
Cadwalader,	Harkins,	O'Brien,	Taylor,
Carpenter,	Haudenshield,	O'Connor,	Thistle,
Check,	Hess,	O'Dare,	Thompson, E. F.,
Chervenak,	Hindman,	O'Keefe,	Tronzo,
Christler,	Hoffman, J. N.,	Ominsky,	Van Belle,
Clark,	Hoffman, S. K.,	O'Neill,	Voorhees,
Clearwater,	Holland,	Peacock,	Walsh,
Cohen, H. B.,	James,	Peale,	Watkins,
Cohen, R. E.,	Jirolanio,	Powers,	Weiss,
Cook,	Johnston,	Preston,	Welsh, E. B.,
Cooper,	Jones,	Readinger,	Welsh, M. J.,
Corrigan,	Kane,	Reagan,	Westrick,
Cortese,	Keenan,	Reese, D. P.,	Wilkinson,
Curran,	Kenehan,	Reese, R. E.,	Williams,
Dalrymple,	Kline,	Regan,	Wood, H. M.,
Denman,	Kowalski,	Reynolds,	Wood, L. H.,
DeNote,	Krise,	Rhodes,	Woodside,
Dick,	Lee,	Rider,	Turner,
Dix,	Levy,	Riley,	Speaker.

NAYS—34

Ackermann,	Henry,	Serrill,	Trout,
Boorse,	Huntley,	Snyder,	VanAllsburg,
Boose,	Knoble,	Sollenberger,	Wagner,
Bronson,	Leisey,	Stewart,	Webster,
Brunner,	Matthews,	Stockham,	Wilson,
Donahue,	McClester,	Terry,	Winner,
Fiss,	McKinney,	Thompson, G. R.,	Wood, N.,
Habbyshaw,	Rothenberger,	Tiemann,	Yeakel,
Harbeson,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. LEE,

The House resumed the consideration on final passage of House Bill No. 1013, entitled:

An Act to repeal the act approved the fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 1595), entitled, "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts."

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. LEE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. ALSPACH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia Mr. LEE vote on the third reading of this bill?

Mr. LEE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lancaster, Mr. ALSPACH vote on the third reading of this bill?

Mr. ALSPACH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

BILL RECOMMITTED

Mr. LEE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of amendment.

The motion was agreed to.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. THISTLE.

The House resumed the consideration on final passage of House Bill No. 1038, entitled:

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania; to provide for the establishment of a State Board of Chiropody Examiners in the Department of Public Instruction; to define the duties and powers of said board; to provide for examining and registering of chiropodists in this State; and to provide penalties for the violation of this act.

On the question recurring,

Shall the bill pass finally?

Mr. SARRAF. Mr. Speaker and members of the House, on May 4th this bill was defeated in this House. Last Thursday the bill was called back and placed upon the calendar. The same arguments that were advanced against this bill on Thursday, May 4, are still the arguments to be advanced tonight.

At the present time, chiropodists come under the medical board. They are permitted to practice and have gone along very ethically and have a splendid profession. This bill provides for a separate board. Not only does it provide for a separate board but they pick men on this board from their profession none of whom are permitted to be men who are teachers in any of the institutions over the state teaching chiropody. Along with that, they are permitted under this bill to make diagnoses. You and I know that the foot is a part of the body, there are no different conditions in the foot than in any other part of the body. An individual who is practicing medicine making diagnoses, an individual who practices chiropody, must know the general system. He must know the basic sciences, he must know all that is necessary in pathology, all the basic sciences of embriology, histology, and all the other courses which a medical man is compelled to take. In this particular bill they say chiropodists are to make diagnoses. How can a man who has taken chiropody only, attempt to make diagnoses of conditions which may originate elsewhere in the body?

Another feature of this bill is the examination. In the examination by this board of an individual who wishes to obtain this license it states specifically that the individual is only to study the lower extremeties. If a person just studies the lower extremeties, as I have before stated, he does not know the entire body. A person with diabetes can have an ulceration of his foot, a person with arterio sclerosis can have some deformity manifesting itself in the foot.

I could go on and talk longer on this bill. It has been defeated once and I ask the membership to vote down this bill.

Mr. McKINNEY. Mr. Speaker and members of the House, the intent and purpose of House Bill 1038 is to regulate the practice of chiropody and to establish a State Board of Chiropody.

At present they are licensed in the Department of Public Instruction by the State Board of Medical Education. We are presenting this bill with the sole thought of advancing the healing arts in general and protecting the public at large. We are not asking in this bill for any enlargement in the scope of work nor to extend the field or infringe on medicine in any way.

I ask the House to vote in favor of this bill.

Mr. THISTLE. Mr. Speaker and members of the House, House Bill No. 1038 provides for the definition of the practice of chiropody. At the present time there is no legislation of any kind defining the practice of chiropody in the Commonwealth of Pennsylvania; merely a ruling by the State Board of Medical Education and Licensure. This ruling has no standing in the courts of our Commonwealth; to wit the case of Joseph Sample of Philadelphia, arrested on February 13, 1935 for practicing chiropody without a license. He was held for court in the amount of three hundred dollars bail. At the time of trial, November 1935, before Judge George Gowan Parry, the case was dismissed. Judge Parry said that his duty was to interpret acts of legislature not rulings of any board——in other words there was no law regulating the practice of Chiropody in our Commonwealth.

The definition as provided in H. R. Bill No. 1038 is the same as is taught in the School of Chiropody of Temple University. This is the only institution which teaches chiropody in Pennsylvania.

The educational requirements of this bill are four years of training in an accepted School of Chiropody and follows the Class A requirements as outlined by the Council of Education of the National Association of Chiropodists.

Two of our former attorney generals of the State of Pennsylvania have advised that chiropody should be governed by legislative enactment. The Division of Law Enforcement of the Department of Public Instruction has done everything in its power to prosecute illegal practitioners but has failed because of the lack of a chiropody law.

Forty-five of the forty-eight states have provided for chiropody legislation. Bill No. 1038 should receive your support because its passage will make it possible for the people of Pennsylvania to distinguish between the licensed practitioner and the quack. Your favorable action on this bill will insure the foot health of our Commonwealth.

Mr. HINDMAN. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Thistle.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. THISTLE. I shall, Mr. Speaker.

Mr. HINDMAN. Mr. Speaker, I should like to ask the

gentleman from Philadelphia, Mr. Thistle, whether it is not possible for a man to practice chiropody in the State of Pennsylvania today?

Mr. THISTLE. Mr. Speaker, it is possible; it is practiced every day.

Mr. HINDMAN. Mr. Speaker, what is the difference between this act as proposed and the act under which they are now permitted to practice?

Mr. THISTLE. Mr. Speaker, it is a ruling under which they are permitted to practice at the present time and we wish to make it an act of the legislature, a law or licensing act by which they can properly operate.

Mr. HINDMAN. Mr. Speaker, is it not true that a separate board is created by this act?

Mr. THISTLE. Mr. Speaker, that is true; a self-sustaining board, however.

Mr. HINDMAN. Mr. Speaker, is there any provision under this act for increased enforcement?

Mr. THISTLE. Mr. Speaker, the ruling under which chiropodists work now cannot be enforced; however, under this act, the "quack" can be removed from business and can be removed from the profession.

Mr. HINDMAN. Mr. Speaker, what is there in this act that would assist in eliminating the "quack" chiropodist as you call him?

Mr. THISTLE. Well, Mr. Speaker, the malpractice of chiropody.

Mr. HINDMAN. Mr. Speaker, what does the gentleman consider the malpractice of chiropody?

Mr. THISTLE. Mr. Speaker, if it is not done by the proper party licensed by the State of Pennsylvania under this act.

Mr. HINDMAN. Mr. Speaker and members of the House, the hour is late and I do not care to go deeply into this problem.

This bill is similar to bills we have had before us in two previous sessions. The statement was made by Mr. Thistle that this bill is for the good of the people of Pennsylvania, it would create a board and, by so doing, would protect the people of the state of Pennsylvania. Mr. Speaker and ladies and gentlemen of this House, I submit to you that this type of legislation is fallacious. We feel that chiropody covers an important field but we feel that they are adequately cared for and provided for under the present law so that the right type of people can do the work which you know they ordinarily do. If a law such as this is enacted, it will give these people the right and privilege to do surgery. It is not that the medical profession objects to that from a selfish standpoint, but I submit to you, members of the House, that it is in the interest of the great mass of people in the state of Pennsylvania. You cannot grab any part of the body out of the air and adequately practice any specialty, and I submit to you that if this law were enacted it would be a very unfortunate thing inasmuch as it would permit these people to do surgery the same as those who have taken a long medical course and have prepared themselves for surgery.

As was indicated by Dr. Sarraf tonight, the diagnoses of these conditions are the most important that we have to consider, and I submit to you that the people who do this work are not qualified to do it inasmuch as, we will say for instance, a chiropodist is called to treat some type of a sore on one of the toes, and he treats it for some time. It proves to be a cancer and after some time has elapsed, when the individual finally goes to a regular surgeon, that individual is doomed simply because it is a malignant condition, there has developed what we call metascisis and it has gone to some vital portion of the body and that patient is doomed to die. That is the reason, ladies and gentlemen, we feel that chiropodists have their own field, but we do feel in the interests of the great mass of people in the state of Pennsylvania that it would be most unfortunate to grant these people the right to do all sorts of surgery on the foot and treat the foot the same as a man who has been prepared in medicine and in surgery. I firmly believe that this is one of the measures that is not a political measure and I feel that the members of this House in justice to the people in this state should vote against this bill.

Mr. ANDREWS. Mr. Speaker and members of the House, I just rise to call to the attention of the dear doctors that this bill says that chiropody shall not include the right to perform any operation on the bones, ligaments, muscles and tendons of the foot involving the use of any cutting instrument, and when they rise and tell you that this particular bill opens the way for the unlimited practice of surgery I think they are drawing more upon their imaginations than they are upon their knowledge of the bill.

Personally I don't give a hang whether this bill goes through or doesn't go through, but I do think the dear doctors, in addressing the House, should keep to the letter of the bill in their discussion.

Mr. HINDMAN. Mr. Speaker and members of the House, my good friend Mr. Andrews does not pass up any opportunity to berate the medical profession. He has appeared on numerous occasions and did all in his power and in some cases has as much as indicated that the medical profession of the state of Pennsylvania is illiterate. I submit to the members of the House that we cannot all be newspaper men, we cannot know all about all things, and I submit to the House in reply to what the gentleman has stated, that I do feel that Mr. Andrews fails to comprehend that this bill is dangerous. It is impossible for a chiropodist to treat the foot intelligently, any part of the foot, whether he uses a knife or whether he doesn't without having a knowledge of the human body. I do not wish you to take my word for it, but consult any member of the medical profession, not a newspaper man, because that is true regarding diagnoses. It might well be that a chiropodist is treating a foot which has been rendered pathological from diabetes, it might be from cancer, it might be from syphillis, it might be from various constitutional diseases.

I submit I do feel that this type of legislation is fallacious and it does increase the power of these people, and I still feel this bill should be voted down.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—72

Allen,	Fisher,	McGarrity,	Sweeney,
Alspach,	Fiss,	McKinney,	Tahl,
Andrews,	Freed,	McNally,	Thistle,
Auker	Gates,	Melchiorre,	Tiemann,
Balthaser,	Gillan,	Mooney,	Tronzo,
Bower,	Hall,	Moser, F. S.,	VanAllsburg,
Boyd,	Hamilton,	Moser, J. L.,	Van Belle,
Brancato,	Hess,	O'Connor,	Voorhees,
Bretherick,	Hoffman, J. N.,	O'Dare,	Walsh,
Bronson,	Huntley,	Ominsky,	Webster,
Brown, S. W.,	James,	Preston,	Welsh, E. B.,
Clearwater,	Jones,	Readinger,	Welsh, M. J.,
Cohen, R. E.,	Lee,	Reese, R. E.,	Westrick,
Corrigan,	Leydic,	Rider,	Wilkinson,
Dick,	Lichtenwalter,	Rooney,	Wilson,
Falkenstein,	Lovett,	Schrope,	Wood, H. M.,
Fauset,	Lyons,	Simons,	Yeakel,
Finnerty,	McClester,	Stockham,	Turner,
			Speaker.

NAYS—68

Achterman,	Cooper,	Imbrie,	Royer,
Ackermann,	Dalrymple,	Keenan,	Sarraf,
Atkins,	Dix,	Kenehan,	Schrock,
Baker,	Donahue,	Knoble,	Seif,
Bohn,	Eckels,	Krise,	Serrill,
Boney,	Ely,	McVay,	Shaw,
Boorse,	Ewing,	Montgomery,	Shearer,
Boose,	Fleming,	Muir,	Sloan,
Broad,	Habbyshaw,	O'Keefe,	Snyder,
Brunner,	Haines,	Peacock,	Stambaugh,
Burris,	Harbeson,	Peale,	Taylor,
Cadwalader,	Harkins,	Powers,	Terry,
Carpenter,	Haudenshield,	Reagan,	Trout,
Check,	Henry,	Reese, D. P.,	Wagner,
Clark,	Hewitt	Riley,	Winner,
Cohen, H. B.,	Hindman,	Roseberry,	Wood, L. H.,
Cook,	Hoffman, S. K.,	Rothenberger,	Woodside,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair desires to ask the members who do not have transportation arranged for Wednesday to the Blue Ridge Country Club to advise Mr. Roan of the Chief Clerk's office not later than the time the session convenes tomorrow.

Those who want to go into the quoit tournament, there must be pairs, will notify Mr. Bardes by noon tomorrow, so that he may know how many wish to participate.

Those who intend to play golf please notify Mr. Gates tonight so that the club can arrange for the necessary caddies.

The Chair further desires to say with reference to Wednesday's outing that the tickets for most of the members were distributed this evening. There are, however, some members who did not receive tickets, and those tickets will be placed in the member's boxes.

The House employes and officers will secure their tickets at the Chief Clerk's office. The gentlemen of the press will receive theirs through the Secretary of their association.

The announcement in reference to the World's Fair trip on Friday is in the boxes of the members. It is important that you notify, as set forth in the notice, the different officers and Chief Clerk with reference to transportation so that necessary arrangements can be made.

COMMITTEE MEETINGS

There will be meetings of the Committee on

Banking, Tuesday at 11:45 a. m. in Room 324.

Boroughs, Tuesday at 9:30 a. m. in Room 546.

Cities—2d Class, Wednesday, May 17 at 9 a. m. in Room 324.

Elections, Tuesday at 10:30 a. m. in Room 546.

Judiciary General, Tuesday at 11 a. m. in Room A.

Labor, Tuesday at 11:30 a. m. in Room 541.

Law and Order, Tuesday at 11 a. m. in Room 418.

Liquor Control, Tuesday at 11 a. m. in Room 147.

Public Utilities, Tuesday at 9 a. m. in Room 100.

Townships, Tuesday at 11:30 a. m. in Room 418.

Ways and Means, Tuesday at 10 a. m. in Room 100.

There will be a Republican Caucus meeting at 12 noon, Standard Time in the House Caucus Room.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 12:19 p. m.) the House adjourned until Tuesday, May 16, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

TUESDAY, May 16, 1939.

The Senate met at 2:00 o'clock p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Thou Gracious Father of lights, from whom every good and every perfect gift proceeds, in whom is no variableness neither shadow made by turning, we recognize Thee as the Changeless One in the midst of a changing world.

The old order passeth away and a new one takes its place. New problems confront us colored by human needs and new opportunities arise for a deeper consecrated service.

In the last decade we have lived differently than in any other. Gigantic changes in living, thinking and endeavor have marked our beleaguered way. Economic dislocation, moral upheaval and spiritual lethargy have caused crises to arise ably to cope with which have left us almost prostrate. We scarcely knew what to do or whither to turn, all the while depending upon our own wisdom and intellectual strength.

But, O God, Thou hast known both the cause of and remedy for every depression and so-called recession in the world's history. The Gibraltar of spiritual strength has not been pushed into the sea but stands just as immutably strong and impregnable as it has always been.

Thou surely must laugh in the heavens as Thou sees us hurrying here and there searching for solution of our vexing problems, when Thou said: "Come unto me ye that labor and are heavy laden, and I will give you rest." And again—"Righteousness exalteth a nation, but sin is a reproach to any people."

O, God, thou knowest "the way out." Give us who legislate here the humility of spirit to ask for "it" in faith believing, nothing doubting. For Jesus' sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. MALLERY, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communication:

OPPOSING LIBERALIZATION OF THE SABBATH DAY

Communication from the Pennsylvania Conference of the Primitive Methodist Church, protesting against any legislation that stands for liberalization of the Sabbath Day.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, "There is no distress greater than a mother's over her son's misfortunes. And how much greater is that distress when the mother realizes that these misfortunes are not due to her son's shortcomings or her own mistakes, but to forces over which neither of them had control.

"There is hardly a community in the State which does not have rows of vacant buildings, deserted factories, idle mines, as a result of over taxation and red tape. The people of these communities know what has happened to their industries and they know who is to blame.

"Think of the wives of men whose mills and factories moved away; whose places of business are on part time, whose farms are idle because their market is gone. Think of the daughters of fathers who are fully competent to earn a good living, forced to scrimp and to deny themselves because vicious policies of government; because unrestrained greed of political bosses are bringing Pennsylvania's industry to a halt.

"I believe I know the course to set. We need thrift and economy in our State Government; we need to encourage business and thus put idle men back to work by putting idle wheels and idle money back to work; we need to restore personal and political liberty to our people.

"Run the present State Government through the wringer, squeezing out the millions of . . . tax dollars which are being misused for every conceivable corrupt, selfish and wasteful purpose imaginable. Those dollars will be passed back . . . in the form of tax reductions. Once we do this the wheels of industry will start turning in this State again and we can eventually find work for all the idle who want jobs. Let us, of course, have relief, adequate and prompt. But let us insist that relief be divorced from politics. Let us stand 100 per cent for old age assistance, labor's rights and proper utility regulation.

Let us insist that those who have been guilty of indictable crimes in connection with abuse of the State's finances and honor are punished.

"Industry is being driven out of Pennsylvania. Punitive and political taxes are responsible for that. Let's issue a clemency proclamation calling back our industries which have been driven . . . into taxation exile by providing enough tax reductions to permit them to operate at a profit."

Mr. President, no doubt there is a familiar ring to you about some of these statements. They are neither my words nor my ideas. They are the words, and the ideas, employed during many months of last year by a judge who went "AWOL" to tell ten million Pennsylvanians that he would lead them into the Promised Land; reduce taxes, create jobs, bring industry back on the double quick; solve the problem of relief and settle every other perplexing question that pesters the people in these difficult times.

On this date, almost four months after the day on which he took the oath of office with one hand and resigned as a Superior Court Judge with the other, all these words which Judge James spoke in his campaign come back to haunt him.

And now, Mr. President, the Pied Piper of Plymouth pipes no more. The dulcet tones of his tax reduction tune are heard no more. The melody that soothed the wives and daughters of idle workers did not linger on.

It was only the song of Political Lorelei. It lured the sailors and drew the Ship of State off its course. It could not have been sung any better. Nor could the crash be any louder. It reverberates throughout the State.

Lured on toward a Promised Land, we have arrived only at a Land of Promises. GOP still stands for Good Old Promises. And when better promises are made, GOP will make them. And break them.

This would be funny if it were not tragic. The tragedy is that ten million people have been betrayed and deserted. Not a single promise—not a single pledge—has been kept. And the desertion is about to be made permanent by adjournment of the Legislature.

The enactment of the Earle taxes "lock, stock and barrel"; the failure to reduce taxes, the failure to provide adequate relief; the enactment of legislation hampering local governments while at the same time refusing to aid local government by remedial legislation spell incompetence, betrayal and desertion.

To reenact these taxes, good or bad as they may be, is an admission that the Governor did not know what he was talking about in the campaign or doesn't know now what to do.

The tragedy of the situation is that business and industry know and the Governor acknowledges that a special session to levy more and new taxes is inevitable.

If migration of industry was within the realm of political mythology or even economic necessity before the election it will soon be a terrible reality. During the four years of the Earle Administration business and industry knew two years in advance what they were expected to meet in the way of taxes. Now no one knows where the taxes will reach or where they will stop. In view of this the contemplated early adjournment of the Legislature is nothing short of criminal.

It is no less reprehensible to run away from the relief problem. With but 128 million dollars appropriated where 200 million or more will be required; with appointment of politicians to local boards, the outlook for unfortunates in Pennsylvania is a bitter one.

Who can successfully deny that the James Administration is already a dismal failure? And what makes it even worse is that burdensome taxes can be eliminated; relief standards maintained and industry encouraged. It is apparent that the Governor's statement that there will be no "must" legislation in this session really means there will be no legislation.

Unhampered by extravagant campaign promises; surrounded and advised after election by the very business men for whom he expressed such deep concern during that campaign, Governor James could have found a solution of the problem.

But with political ambition nurtured by the same old Grundy-Pew clique of politicians the result can only be to help the special interests of a few and hamper and hurt the general interests of the State.

Mr. President, as we say in this Chamber, "the question recurs"—how can the problem be solved?

Within a few days I will supplement this statement with another showing by facts and figures the answer to that question, making the suggestions which I think will bring about a solution to the problem.

I say in advance that it will require an abandonment of the proposition to adjourn the legislature, and much as I dislike it, I will stay and be glad to lend any assistance I can, as long as may be necessary, to relieve industry from burdensome taxes.

I claim no invention on the ideas which I suggest; I claim no new methods that have not been discussed. I will suggest an easy way to adopt some of the methods which have long ago been agreed to be the methods which can bring us out of the condition in which we find ourselves—by relieving industry of burdensome taxes; and within the next three or four days I shall present the figures, which will take some time to compile.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF STATE BOARD OF PUBLIC ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate James J. Knoud, of Philadelphia, for appointment as a member of the State Board of Public Assistance, to serve until the third Tuesday of January 1940 until his successor shall have been appointed and qualified. Mr. Knoud was recently nominated and confirmed under the name of James J. Know, due to a clerical error, and his commission has, therefore, been revoked, thereby creating a vacancy in the membership of this Board.

ARTHUR H. JAMES

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 15, 1939

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday afternoon, May 22, 1939, at two o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week, it reconvene on Monday evening, May 22, 1939, at eight o'clock, Eastern Standard Time.

HOUSE CONCURS IN SENATE BILL No. 93, (HOUSE No. 669)

He also returned to the Senate, Senate Bill No. 93, entitled:

An Act to validate sales of real estate of decedents, heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 93, entitled:

An Act to validate private sales of real estate of decedents, heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 448, (Senate Bill No. 1032), entitled:

An Act to amend section eight hundred and fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code" by authorizing volunteer firemen to use sirens or whistles on vehicles when making emergency fire calls.

Which was committed to the Committee on Highways.

House Bill No. 785, (Senate Bill No. 1033), entitled:

An Act to amend Sections three hundred one and four hundred one of the act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), known and cited as the "Public Utility Law," by further limiting the control and regulation of the Commission in respect to rates, service and extensions by municipal corporations.

Which was committed to the Committee on Public Utilities.

House Bill No. 791, (Senate Bill No. 1034), entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "General State Authority Act" be reinstating certain restrictions as to projects.

Which was committed to the Committee on State Government.

House Bill No. 878, (Senate Bill No. 1035), entitled:

An Act to further amend paragraph four of section one and to add new sections two three and four of the act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-five) entitled "An act providing for the registration of bottles boxes siphons siphon-heads tins kegs cans soda-fountains cylinders of carbonic acid gas or other containers and forbidding the refilling of or dealing or trafficking in such registered bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers by persons other than the owners thereof without the written consent of the owner and imposing a penalty therefor providing for the issuing of process in the nature of search warrant providing what shall be prima facie proof thereof and providing that the delivery of said bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers shall not constitute a sale thereof" by providing for imprisonment for violations by providing injunctive relief and including a severability clause

Which was committed to the Committee on Public Health.

House Bill No. 1005, (Senate Bill No. 1036), entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Which was committed to the Committee on Public Utilities.

House Bill No. 1007, (Senate Bill No. 1037), entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such

markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Which was committed to the Committee on Public Utilities.

House Bill No. 1150, (Senate Bill No. 1038), entitled:

An Act to amend paragraph (b) of section three, and section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2461), entitled "An act providing for the qualifications, examination, appointment, term of office, and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines, and the courts; and imposing penalties," by changing qualifications of applicants for examination as inspectors and the average to be attained in examinations to be deemed successful.

Which was committed to the Committee on Mines and Mining.

House Bill No. 1208, (Senate Bill No. 1039), entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "Public School Code," as amended, by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Which was committed to the Committee on Education.

House Bill No. 1337, (Senate Bill No. 1040), entitled:

An Act limiting the number of licenses for the retail sale of liquor malt or brewed beverages, or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board; defining hotels and prescribing the accommodations required of hotels in certain municipalities.

Which was committed to the Committee on Law and Order.

House Bill No. 925, (Senate Bill No. 1041), entitled:

An Act to re-enact and further amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "Malt Liquor License Law," by eliminating retail dispensers' club and public service licenses for the sale of malt and brewed beverages: and further regulating distributors and importing distributors.

Which was committed to the Committee on Law and Order.

House Bill No. 1125, (Senate Bill No. 1042), entitled:

An Act to further amend Sections 2, 202, 203, 305, 402, 403, 404, 407, 408, 409, 410, 411, paragraph (14) of Section 602, paragraph (e) of Section 609, Sections 610 and 701 of, and to add Section 204 to, the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "Pennsylvania Liquor Control Act" by defining "district"; establishing the force of regulations of the board; creating district boards, regulating the appointment of members thereof, and defining their duties and powers; requiring the further advertising of applications for licenses, the issuance thereof and appeals from the decisions of the board; providing for hearings by the district boards; increasing fees for licenses, further regulating the revocation and suspension of licenses, and providing for the disposition thereof; providing for the giving of a bond in order to make any appeal a supersedeas; changing the hours during which clubs may sell liquor or malt and brewed beverages; regulating licensees, interlocking business and the issuance of permits for entertainments; prescribing additional penalties for sales to minors; and imposing duties upon municipalities.

Which was committed to the Committee on Law and Order.

House Bill No. 22, (Senate Bill No. 1043), entitled:

An Act making an appropriation to The Glen Mills Schools, situate in Delaware County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 189, (Senate Bill No. 1044), entitled:

An Act providing for and regulating the appointment, promotion, and reduction in rank, and removal of paid members of the bureau of police, bureau of detectives, police women, bureau of electricity in connection with police departments, police telephone operators and their assistants, police radio operators and their assistants, and all other agencies connected with police departments in counties, cities, boroughs, incorporated towns, and townships maintaining a police force; creating a Civil Service Commission in each county, city, except cities of second class A, borough, incorporated town, and township; defining the powers and duties of such Civil Service Commission; imposing certain duties and expenses on the counties, cities, except cities of second class A, boroughs, incorporated towns, and townships; imposing penalties and repealing inconsistent laws.

Which was committed to the Committee on Municipal Government.

House Bill No. 255, (Senate Bill No. 1045), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 258, (Senate Bill No. 1046), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

Which was committed to the Committee on Appropriations.

House Bill No. 433, (Senate Bill No. 1047), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 500, (Senate Bill No. 1048), entitled:

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of such case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors and physicians and increasing penalties for violation of said act.

Which was committed to the Committee on Public Health.

House Bill No. 758, (Senate Bill No. 1049), entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "Legal Holiday Law" by declaring February fifteenth, known as Susan B. Anthony's birthday, a legal holiday.

Which was committed to the Committee on State Government.

House Bill No. 833, (Senate Bill No. 1050), entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" further regulating the incurring and refunding of temporary indebtedness.

Which was committed to the Committee on Education.

House Bill No. 976, (Senate Bill No. 1051), entitled:

An Act making an appropriation to the Johnson Industrial School at Scranton, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 977, (Senate Bill No. 1052), entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Which was committed to the Committee on State Government.

House Bill No. 1083, (Senate Bill No. 1053), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Which was committed to the Committee on Appropriations.

House Bill No. 1086, (Senate Bill No. 1054), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457) entitled "Building and Loan Code," as amended by further defining the rights, powers, duties, liabilities and immunities of building and loan associations, and by further regulating the merger and consolidation of building and loan associations, and the creation of building and loan associations by merger, consolidation or conversion, and the conversion of building and loan associations into Federal savings and loan associations.

Which was committed to the Committee on Banking.

House Bill No. 1153, (Senate Bill No. 1055), entitled:

An Act to further amend section six hundred and fourteen B, of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "Banking Code" by changing the liability of common shareholders of banks.

Which was committed to the Committee on Banking.

House Bill No. 1198, (Senate Bill No. 1056), entitled:

An Act making an appropriation to aid certain school districts.

Which was committed to the Committee on Appropriations.

House Bill No. 1418, (Senate Bill No. 1057), entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-seven (P. L. 2063), entitled "An act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely unclaimed dividends and profits, certain debts, and interest on certain debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations, and corporations; conferring powers and imposing duties on certain State officers, boards, and departments; providing for jurisdiction of courts, and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and describing penalties," by further declaring the legislative intent and making further provisions for refunds.

Which was committed to the Committee on Finance.

House Bill No. 1449, (Senate Bill No. 1058), entitled:

An Act to amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," as amended, by providing for exceptions in certain cases.

Which was committed to the Committee on Public Health.

House Bill No. 1451, (Senate Bill No. 1059), entitled:

An Act authorizing the Department of Highways with the approval of the Governor to lease from the General State Authority, any bridge and road project constituting a connecting link across a river between two existing state highways; providing for the operation of such bridge as a toll bridge; and appropriating moneys from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project.

Which was committed to the Committee on Appropriations.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 259, entitled:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts, and eliminating certain general regulations in the making of insurance contracts by townships.

House Bill No. 272, entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

House Bill No. 284, entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," as amended, providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides, for the issuance of letters testamentary, the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before, and administered by the register of wills of the county in which the applicant resides, and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

House Bill No. 285, entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended, and sections seven hundred three and two thousand twelve of the act approved the twenty-fourth of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," by providing for the election of auditors for vacancies in office of commissioners for compensation to township commissioners and fixing the width of public roads, streets, lanes and alleys.

House Bill No. 297, entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names; and making certified copies of their election evidence in all cases.

House Bill No. 424, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual instalments of two million five hundred thousand dollars ($2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provisions for payment of mandamus executions and suspending inconsistent legislation.

House Bill No. 487, entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen, as added to the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" changing qualifications for sabbatical leaves of absence for certain employes of school districts.

House Bill No. 559, entitled:

An Act to reenact and further amend section two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns, or townships or any combination thereof.

House Bill No. 573, entitled:

An Act to amend section four hundred and forty-six of the act, aproved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

House Bill No. 616, entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

House Bill No. 623, entitled:

An Act to further amend section one of the act, approved the seventeenth day of April, one thousand eight hundred and ninety-three (P. L. 21), entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of governing is or may be located, in the disposition of the business of the Commonwealth, by providing suitable clerical assistance," by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county.

House Bill No. 624, entitled:

An Act to amend section nine of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies", by providing that compensation payable under this act shall be paid semi-monthly.

House Bill No. 642, entitled:

An Act to amend the title and section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

House Bill No. 649, entitled:

An Act to add clause twenty-one to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing appropriations for the support maintenance discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

House Bill No. 741, entitled:

An Act relating to the administration of oaths, by notaries public, magistrates, aldermen, and justices of the peace; and validating certain oaths heretofore taken.

House Bill No. 792, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousands (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

House Bill No. 896, entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (P. L. 932), entitled "Third Class City Law," providing a method for the valuation of real property for taxation purposes.

House Bill No. 899, entitled:

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (P. L. 103), entitled "The Second Class Township Law," as amended by changing the conditions of the tax collectors' bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

House Bill No. 902, entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one (P. L. 1206), entitled "First Class Township Law," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

House Bill No. 913, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing, and for the purpose of matching additional federal funds.

House Bill No. 956, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

House Bill No. 961, entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions, providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund; and making appropriations necessary to offset such transfers.

House Bill No. 1057, entitled:

An Act to repeal the act approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2688), entitled "Pennsylvania Agricultural Conservation and Adjustment Act".

House Bill No. 1075, entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

House Bill No. 1078, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

House Bill No. 1093, entitled:

An Act to further amend section one of the act, approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties" by requiring certain matters to be filed with or obtained from, the Department of Revenue instead of the Auditor General, in order to conform said act to existing law.

House Bill No. 1094, entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owend by the Commonwealth at the Ashland State Hospital.

House Bill No. 1117, entitled:

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "Insurance Company Law of 1921," by redefining deductions in case of re-insurance.

House Bill No. 1127, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

House Bill No. 1148, entitled:

An Act making an appropriation to the Department of Revenue, to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett, deceased.

House Bill No. 1149, entitled:

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes Retirement Law" authorizing payment by the board to a credit union where rights have been assigned, and the note is unpaid; and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

House Bill No. 1164, entitled:

An Act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "Orphans' Court Act of 1917" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts.

House Bill No. 1172, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

House Bill No. 1173, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

House Bill No. 1174, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

House Bill No. 1175, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

House Bill No. 1176, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

House Bill No. 1177, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

House Bill No. 1178, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

House Bill No. 1189, entitled:

An Act to amend section six hundred and ten of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing the board of supervisors to pay dues assessed by the State association of townhip supervisors.

House Bill No. 1201, entitled:

An Act to amend section one of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, savings banks, and private banks; and imposing penalties for violations," to permit the preservation of photographic film reproductions or photographs or photostatic copies

House Bill No. 1234, entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

House Bill No. 1243, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled.

House Bill No. 1244, entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

House Bill No. 1245, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

House Bill No. 1246, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

House Bill No. 1249, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

House Bill No. 1253, entitled:

A Supplement to the act approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

House Bill No. 1257, entitled:

An Act to amend the title, Section 1, as amended, and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22 of the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 587), entitled "Meat and Meat Food Products Law," by transferring administration of the act to the Department of Agriculture; defining "Department"; and changing penalties.

House Bill No. 1320, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws nine hundred fifty-four), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip, bonds, certificates, and evidences of indebtedness issued or assumed by such corporations, and requiring certain reports in connection therewith," conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

House Bill No. 1382, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 256

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 256, entitled:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code" by changing the filing fee for certain nomination petitions.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 423

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 423, entitled:

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224) entitled "Insecticides and Fungicides Law," by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth; and changing penalties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 687

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 687, entitled:

An Act to amend section three thousand seven hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" by extending the power of park guards to police the lands, properties and buildings taken for park purposes, which are located beyond the limits of such cities.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 822

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 822, entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law," by permitting public roads to be less than thirty-three feet in width.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1259

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1259, entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 256, entitled:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code" by changing the filing fee for certain nomination petitions.

House Bill No. 423, entitled:

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "Insecticides and Fungicides Law," by providing for the registration of insecticides and fungicides by manfacturers outside of the Commonwealth; and changing penalties.

House Bill No. 687, entitled:

An Act to amend section three thousand seven hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" by extending the power of park guards to police the lands, properties and buildings taken for park purposes, which are located beyond the limits of such cities.

House Bill No. 822, entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law," by permitting public roads to be less than thirty-three feet in width.

House Bill No. 1259, entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 482, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 49, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Welfare, Public Assist-

ance and Pensions, reported as committed, Senate Bill No. 643, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violation," as amended, requiring the agents of the Department of Justice of the Pennsylvania Motor Police to return parole violators after their apprehension, the expenses incurred by such agents to be borne by the penitentiary.

Mr. CHAPMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 525, (House Bill No. 742), entitled:

An Act to amend section one thousand eight hundred five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence.

Mr. HOMSHER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 545, entitled:

An Act to amend sections one, two and seven of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," extending the provisions of said act to include private nursing homes and private hospitals operated on a nonprofit basis.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 616, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefore; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act, or from the date they are so acquired.

Mr. MALLERY, from the Committee on Muncipal Government, reported as amended, Senate Bill No. 567, (House Bill No. 605), entitled:

An Act to amend section 904 905 1006 1125 1202LIII 1309 and 1314 of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

Mr. BARTLETT, from the Committee on Appropriations, reported as committed, Senate Bill No. 941, (House Bill No. 1129), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease on behalf of the Commonwealth of Pennsylvania, the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission, authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

Mr. CROWE, from the Committee on Highways, reported as committed, Senate Bill No. 967, (House Bill No. 1022), entitled:

An Act to amend further section five of an act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," by providing that the Department of Highways may in the discretion of the Secretary of Highways, construct, reconstruct, resurface or maintain additional width.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 968, (House Bill No. 1026), entitled:

An Act to provide that under certain conditions, roads, highways, bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1015, (House Bill No. 662), entitled:

An Act to amend section one of the act, approved the sixth day of May, one thousand nine hundred and twenty-seven (P. L. 843), entitled "An act authorizing the Department of Highways with the approval of the Governor to build, rebuild, construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof," by authorizing the Department of Highways with the approval of the Governor to build, rebuild, construct and maintain roads, bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie, Pennsylvania.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 996, entitled:

An Act to amend section three hundred eight, and section seven hundred two, as amended, of the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "Nonprofit Corporation Law," facilitating the procedure to borrow money and to acquire or dispose of real estate; and to facilitate the approval of amendments by members.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 131, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania forty acres of land adjacent to "Pennsbury Memorial" or so much thereof as may be necessary to properly honor the founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Mr. STIEFEL, from the Committee on Labor and Industry, reported as amended, Senate Bill No. 937, (House Bill No. 690), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provision for reciprocal arrangements and compacts with agencies of other states and the Federal Government; further defining ineligibility for compensation; authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account; and terminating certain compensation rights hereunder.

Mr. HALUSKA, from the Committee on Appropriations, reported as committed, Senate Bill No. 699, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park by the Department of Property and Supplies and for its mangement and development by the Pennsylvania Historical Commission; imposing certain duties upon the Department of Justice; and making an appropriation.

Mr. MUNDY, from the Committee on Public Health, reported as committed, Senate Bill No. 734, (House Bill No. 635), entitled:

An Act to further amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 1031, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

He also, from the Committee on Public Health, reported as amended, Senate Bill No. 778, (House Bill No. 709), entitled:

An Act for the protection of the public health by prohibiting the adulteration, misbranding, false labeling and false advertising of drugs, including cosmetics and of instruments, apparatus, contrivances, accessories and other devices used in the diagnosis, cure, mitigation, treatment and prevention of disease; providing for issuance of permits for the manufacturing of drugs and cosmetics, the detention, embargoing, seizure and destructions of unlawful drugs, cosmetics and devices; regulating dealing in new drugs; conferring powers and imposing duties on the State Board of Pharmacy and providing penalties.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 1014, (House Bill No. 382), entitled:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the power and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general.

BILL RE-REFERRED

Mr. EDMONDS, from the Committee on Banking, reported, Senate Bill No. 767, (House Bill No. 701), entitled:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt.

with request that it be re-referred to the Committee on Finance.

REPORTS FROM COMMITTEES

Mr. SHAPIRO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 819, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townshps of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Mr. THOMAS, from the Committee on Highways, reported as committed, Senate Bill No. 1028, entitled:

An Act authorizing the conveyance to the Delaware River Joint Toll Bridge Commission of a certain tract of land in the Borough of Portland, County of Northampton, Pennsylvania.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 895, (House Bill No. 1103), entitled;

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full; and making an appropriation out of the Motor License Fund.

Mr. LETZLER, from the Committee on Highways, reported as committed, Senate Bill No. 1012, (House Bill No. 41), entitled:

An Act to further amend section one of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth, the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges," by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 986, (House Bill No. 545), entitled:

An Act to amend section one thousand and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

Mr. OWLETT, from the Committee on Muncipal Government, reported as amended, Senate Bill No. 943, (House Bill No. 1232), entiled:

An Act regulating the appointment promotion suspension reduction and reinstatement of employes (except superintendent of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons in cities of the second class defining the powers and duties of civil service commissions for such purpose in said cities and repealing inconsistent legislation

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 315, entitled:

An Act affecting cities of the third class; authorizing the annexation of boroughs thereto under certain conditions, and, in connection therewith, placing duties upon or affecting courts of quarter sessions, county boards of election, and officers of boroughs and cities of the third class, and providing for the payment of the indebtedness of the various territorial units involved.

Mr. GELTZ, from the Committee on Highways, reported as committed, Senate Bill No. 723, entitled:

An Act to further amend sections one and two, as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1528), entitled "An act authorizing the Secretary of Highways, with the approval of the Governor, to establish, construct and maintain roads parallel to existing State highways, in order to relieve traffic congestion; providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby; and providing that such highway when constructed shall become a part of the system of State highways of the Commonwealth," by extending certain provisions thereof to cities.

Mr. DEITRICK, from the Committee on Public Health, reported as committed, Senate Bill No. 887, (House Bill No. 887), entitled:

An Act to amend section twenty of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits, requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births, marriages, deaths and diseases of practitioners of medicine and surgery of midwives, nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages and diseases throughout the State as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April, nineteen hundred and five and providing penalties for violations of this act," as amended, by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

QUESTION OF PERSONAL PRIVILEGE

Mr. COLEMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Lackawanna, Mr. Coleman, will state his question of personal privilege.

Mr. COLEMAN. Mr. President, two years ago I had a dream, I visualized Pennsylvania participating in the New

York World's Fair in a fashion commensurate with the importance of the Commonwealth. I could see an appropriate setting which would give us something in order to show to the world Pennsylvania's contribution to America's rich and colorful civilization.

On April 30th I saw that dream brought to a realization when Pennsylvania's building was thrown open to the general public. The exhibits, show that Pennsylvania has everything, from the Cradle of American Democracy in Philadelphia to the bustling industrial life in Pittsburgh, Scranton and other centers of the Commonwealth. The building is, first of all, a reverential treatise of Pennsylvania's glorious past and a living document of Pennsylvania today.

On Friday of this week the Governor of the Commonwealth will formally dedicate that building, and I want the members of the Senate, the members of the General Assembly who voted for the appropriation bill enabling us to put on this splendid display, to be there when the Governor formally dedicates the building. The Pennsylvania Commission has arranged to have a special train leaving the Pennsylvania Station at 7:30 a. m. Friday morning, arriving at the World's Fair grounds at 11:50. There is an elaborate program, in which the Governor of the Commonwealth, the President pro tem of the Senate, the Lieutenant-Governor and the Speaker of the House, and possibly the United States Senators Guffey and Davis will participate.

We want to have a real Pennsylvania Day on Friday. We would like to know by noon tomorrow how many members of the Senate will make the trip, and we have arranged to have an agent of the Pennsylvania Railroad stationed in the chief-clerk office, the office of the clerk of the House, selling tickets, which will cost $9.55. The price will include a round-trip ticket from Harrisburg, a luncheon and a dinner in the World's Fair grounds. Myself and the gentleman from Allegheny, Senator Walker, who is a member of the Commission with me, are going to go around to the members of the Senate in order to determine how many members will make the journey.

The train is limited to the Governor and his official party, the newspaper men and their wives, the members of the Senate and of the House and their wives. We would like to have a real Pennsylvania Day on Friday, so when we go around we would like to have you tell us very definitely, so that we can make some definite arrangements with the railroad people. The train leaves Harrisburg at 7:30 daylight saving time on Friday, and arrives at the Fair grounds at 11:50, and will leave that night at midnight, daylight saving time.

Again I want to emphasize the importance of having a real Pennsylvania Day, and I want the members of the General Assembly to know that Grover Whalen has stated that Pennsylvania has unquestionably the outstanidng exhibit in the Court of States, and one of the best in the New York World's Fair.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne, Mr. Mundy, will state his question of personal privilege.

Mr. MUNDY. Mr. President, I wish to take a few minutes to call the attention of the Senate to a situation that exists among the employees in the government of the State of Pennsylvania. Due to some condition or situation, of which I am not in a position to speak, the budget has been held up over in the Public Utility Commission. I am not interested in the higher salaried employees but I am interested in the situation in which some of the employees in the lower salaried grades find themselves. Today, at noon, I find that many of these young men and women, who are at best receiving a meagre salary, have borrowed funds to try to keep them here at work in Harrisburg, and others have not sufficient money to buy the necessary food to keep them at work; and I would suggest to the Senate that something be done so that these people may be able to receive some money to carry on; and if we cannot, at least we might ask Mr. Russell, over in Public Assistance, to loan sufficient funds to these people until the budget is approved.

BILLS INTRODUCED

Mr. CROWE read in his place and presented to the Chair, Senate Bill No. 1060, entitled:

An Act to further amend sections two hundred eleven and six hundred one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by classifying agents; and fixing the license fees to be paid by soliciting agents.

Which was committed to the Committee on Insurance.

Mr. STEVENSON read in his place and presented to the Chair, Senate Bill No. 1061, entitled:

An Act to amend section eight of the act, approved the thirty-first day of May, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties," increasing the power of the Secretary of Internal Affairs, and adding a penalty for violating the provisions thereof.

Which was committed to the Committee on State Government.

Mr. EROE read in his place and presented to the Chair, Senate Bill No. 1062, entitled:

An Act to amend section four of the act, approved the twenty-third day of November, one thousand nine hundred and thirty-eight (P. L. 90), entitled, "An act authorizing the compromise of delinquent taxes on real property and the penalties, interest and costs due thereon before a tax sale of such real property, and providing the procedure in such case."

Which was committed to the Committee on County Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I want to supplement the statement made by the gentleman from Luzerne, Dr. Mundy, by calling attention to the budget which has been filed by the Governor with these Senators, for the 1939-41 biennium. In this budget there is included "estimated receipts from the Public Utility Commission, $3,184,000;" and in the same budget there is appropriated to the Public Utility Commission, $1,800,000.

Obviously most of the money the commission gets it receives from the utilities it investigates, and the utilities bear the burden according to the expenses.

Now, if the Public Utility Commission only receives $1,800,000 from this Assembly it will never be able to charge the utilities $3,100,000, and this budget is out $1,300,000, because they will never receive it.

I would like to further supplement the statements of the gentleman from Luzerne by calling attention to the fact that their compensation comes not from the Commonwealth of Pennsylvania, but from the utilities which are examined by the Public Utilities Commission. They have been now, for several months, without money. The money comes not from the Commonwealth; and, obviously, the only reason there can be to continue to tolerate that condition is political—either to hamstring the commission or getting rid of some of the people so that the jobs can be given to somebody else.

REQUESTING PUBLIC UTILITY COMMISSION TO FURNISH LIST OF PERSONS ON PAY-ROLL NOT RESIDENTS OF PENNSYLVANIA

Mr. CAVALCANTE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 16, 1939.

Whereas, The most serious problem in Pennsylvania today is unemployment and,

Whereas, The Public Utility Commission of this Commonwealth in the discharge of its authority expends huge sums of moneys for wages and salaries to employees, and,

Whereas, It is desirable that such wages and salaries, where possible, be paid to competent citizens of this Commonwealth,

Now, Therefore, Be It Resolved, by the Senate of Pennsylvania that the Public Utility Commission be requested to promptly furnish to each member of the Senate the names and addresses of all persons on their pay-roll who were not residents of Pennsylvania at the time such persons were engaged.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I introduced a resolution yesterday, on behalf of the Senator from Armstrong, Mr. Sipe, and myself, concerning the bond situation in this State. I received today about thirty resolutions from various organizations in my county complaining because of liens placed against 175 relief recipients.

I also received, for the first time, a copy of the bond they are required to sign. In order that the Senate of Pennsylvania may know exactly what is happening in the State of Pennsylvania I believe it will be proper at this time to read a part of this bond:

> "Know all men by these presents—that I, John Doe, of Westmoreland County, State of Pennsylvania, am held and firmly bound unto the Department of Public Assistance of the Commonwealth of Pennsylvania in the sum of five thousand dollars lawful money of the United States of America to be paid to the said obligee, its certain attorney, successors or assigns; to which payment well and truly to be made, I do bind myself, my heirs, executors, and administrators, and each of them, firmly by these presents."

This is signed, of course, by the relief recipient, who must sign the bond to receive relief and then I read further:

And Provided Further, However, and it is hereby expressly agreed, that judgment may be entered immediately upon this obligation, and I/we do hereby authorize the Prothonotary of, or any Attorney of, any Court of Record of Pennsylvania, or elsewhere, to appear and to enter judgment against me/us for the said sum, with or without declaration, with costs of suit, release of errors, without stay of execution. I/we also waive the right of inquisition on any real estate that may be levied upon to collect this sum, and hereby voluntarily condemn the same and authorize the prothonotary to enter upon the fi. fa. my/our said voluntary condemnation, and do further agree that the said real estate may be sold on writ of fieri facias. I/we hereby waive and release all relief from any or all appraisement, stay or exemption laws of any state, now in force or hereafter to be passed.

I am only going to offer one resolution out of the lot, and that comes from the Loyal Order of Moose. I thought perhaps it would be more effective, coming from the foster organization of Senator James Davis, than coming from the United Mine Workers.

It has been called to my attention, too, that the waiver of exemption also takes away from them that which is given to everybody else in Pennsylvania, the exemption of $300 under the law.

I claim this is the most disgraceful piece of propaganda ever put forth in the State of Pennsylvania and that we are properly attacking the relief chiseler, but in so doing we are attacking decent American citizens who through no fault of their own are destined to become relief recipients because they cannot get employment.

The resolution I read yesterday should be called up and should be passed by this Senate, and get away from the thought there is political significance in everything we do.

I purposely kept the whereas clauses out of that resolution in order to get impartial and unbiased and non partisan consideration from the Senate.

I do not want to take up the time of the Senate, but I do ask that the resolution coming from the Moose organization be made a part of the record.

The PRESIDENT. The remarks of the Senator from Westmoreland, Mr. Dent, together with the communication from the Loyal Order of Moose, will be entered in the Journal.

COMMUNICATION MEMORIALIZING GENERAL ASSEMBLY TO REMOVE BOND REQUIRED FROM RELIEF RECIPIENTS

LOYAL ORDER OF MOOSE

Wyano, Pennsylvania

Mr. John H. Dent,
State Senator,
Harrisburg, Pa.

Whereas, The Department of Public Assistance of the Commonwealth of Pennsylvania requires each and every relief client to sign a $5,000.00 (five thousand) dollar bond, and

Whereas, Ostensibly designed to crack down on chiselers, the relief bond will in reality wipe out thousands of small home owners and eventually pauperize large masses of Pennsylvania's citizens, and

Whereas, Not only does the relief recipients waive the right of inquisition that may be levied on and real estate to collect sums granted for relief, but other personal property can be attached for back payments on the grants and

Whereas, All recipients of state aid are required to reduce their insurance lodge policies to $500.00 which must be assigned to the estate. This means that the policy of a client automatically becomes the property of the Commonwealth when he dies, and

Whereas, Signing the bond not only obligates the recipient today, and for years to come, but it also shackles his heirs to this obligation purporting that a debt incurred during these depressed economic times can hang onto a family for generations, therefore be it

Resolved, That Yukon Lodge No. 442 Loyal Order of Moose at its regular assemblage on this 7th day of May, nineteen hundred and thirty-nine wish to express our remonstrance to the signing of the relief bond as required by the Department of Public Assistance, and be it further

Resolved, We take this occasion to memorialize our elected representatives and public officials in Harrisburg to use their power and influence to have this measure erased from Public Assistance law of this Commonwealth, and be it

Resolved, That copies of this resolution be sent to the State Assemblymen of this district, State Senator, Governor Arthur James and to the Department of Public Assistance.

ALFRED CICCI, Dec.
PETE RITZO, Secy.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, I understand that it is the plan of the Assembly to adjourn next week. I believe it would be a matter of good policy to shove aside as many of these bills that are coming out of committee that do not mean a lot to the people of Pennsylvania and concentrate our efforts on the very important subject of relief, the also important subject of workmen's compensation, and the important subject of the regulation of liquor and malt beverages.

I believe, if we are going to adjourn the latter part of next week, and we hope to get good legislation for the people of Pennsylvania on those three very important subjects, we have got to give them a lot of time now—because they are important and as I look at the calendar day after day, I see a lot of trashy stuff on the calendar that this Assembly should not take its time to bother with. I know what will happen; we will come down toward the end of the session and these three very important subjects will be rushed through hurriedly, and, as a result, we will get some bad legislation; and I hope there is some way whereby we can sit down together and work out these important problems before we reach the last days of the session.

CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of the Calendar.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (P. L. 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contributions

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreebaly to the provisions of the Constitution, and were as follows viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 311, on final passage, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring funding and refunding of indebtedness temporary and permanent the issuing of bonds by school districts the retirement of indebtedness and the borrowing in anticipation of current revenue

go over in its order, as it is not up from the printer.

The PRESIDENT. Is there objectoin? The Chair hears none.

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 474, on final passage, entitled:

An Act to amend a part of section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases", providing for the payment of costs in dismissed summary conviction proceedings

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, there is some doubt in my mind as to whether you can legally, in a summary conviction case discharge the defendant and put the costs on him. I have a couple of citations I want to look at, and I will try and do so between now and tomorrow.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 611, (House Bill No. 1063), as follows:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding after section six hundred twenty-one thereof a new section to read as follows

Section 621.1 Group Accident and Health Insurance (a) Group Accident and Health Insurance is hereby declared to be that form of accident and health insurance covering not less than twenty-five employees or members and in addition may include the employees or members dependents written under a master policy issued to any governmental corporation unit agency or department thereof or to any corporation copartnership individual employer or to any association or organization of employees of one employer its affiliates or subsidiaries or to the members of any labor union or to any oganization or association of Federal or State employees or school teachers or school employees or nurses where officers members employees or classes or departments thereof may be insured for their individual benefit

(b) Any insurer authorized to write accident and health insurance in this State shall have power to issue group accident and health policies No policy of group accident and health insurance may be issued or delivered in this State unless a copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy the application of the employer or executive officer or trustee of any association and the individual application if any of the employes or members insured shall constitute the entire contract between the parties and that all statements made by the employer or the executive officer or trustee or by the individual employes or members shall (in the absence of fraud) be deemed representations and not warranties and that no such statement shall be used in defense to a claim under the policy unless it is in writing

(2) A provision that the insurer will issue to the employer or to the executive officer or trustee of the association for delivery to each employe or member who is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable and such limitations or requirements in the master policy as may pertain to the individual insured thereunder

(3) A provision that to the group or class thereof originally insured shall be added from time to time all new employes of the employer or members of the association eligible to and applying for insurance in such group or class

A provision stating the conditions on which the insurance becomes effective and the conditions on which it terminates

(5) A provision that all premiums are payable to the insurer at its home office or to its duly authorized agent if so provided on or before the due date thereof

(6) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(7) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(8) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(c) Family expense accident and health insurance is hereby declared to be that form of accident and health insurance covering members of any one family including husband and wife and children written under a master policy issued to the head of such family Any insurance company authorized to write accident and health insurance in this State shall have the power to issue family expense accident and health insurance No policy of family expense accident and health insurance may be issued or delivered in this State unless copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties and that all statements made by the head of the family shall in the absence of fraud be

deemed representations and not warranties and that no statement shall be used in defense to a claim under the policy unless it is contained in a written application

(2) A provision that to the family group originally insured shall be added from time to time all new members of the family eligible for insurance in such family group

(3) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing such injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(4) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(5) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(d) If any hospitalization medical or surgical benefits shall become payable under any group accident and health or family expense accident and health insurance policy issued pursuant to this Act then such benefits shall upon written direction to the insurer by the insured be paid to the institution rendering the service care or attention on account of which such benefits become payable and any such benefits so paid by an insurer at the direction of an insured shall to the extent of the payment so made discharge the insurer from any additional liability under such policy therefor

Section 2 Section six hundred twenty-nine of said act as amended by the act approved the twenty-fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws 985) and as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1120) is hereby further amended to read as follows

Section 629 Limitations

(a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance The provisions of sections six hundred sixteen six hundred seventeen six hundred eighteen and six hundred nineteen of this act shall not apply to those forms of health and accident policies enumerated in section six hundred twenty-one and one-tenth of this act except as provided in said section Reference in sections six hundred twenty-one of this act to standard provisions shall not be deemed to refer to policies issued under authority of section six hundred twenty-one and one-tenth of this act

(b) Nothing in subdivision (b) of this article shall apply to nor in any way affect life insurance endownment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accidents and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to safeguard such contracts against lapse or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner in accordance with the provisions of section four hundred nine of an act approved May seventeen one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two)

(c) Nothing in subdivision (b) of this article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" or to policies issued by companies reincorporated under the provisions of the act approved April twentieth one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred seventeen) entitled "An act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies reincorporated under the provisions of this act"

(d) The provisions contained in clause (e) of section six hundred and seventeen (617) and clauses (b) (c) (h) and (i) of section six hundred and eighteen (618) may be omitted from ticket policies sold only to passenger by common carriers

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Ruth,
Cavalcante,	Frey,	Letzler,	Scarlett,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. You will be so recorded.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Mr. CAVALCANTE. Mr. President, I observed with much pleasure the vote of the gentleman from Philadelphia, Mr. Woodward, on this bill. Some time ago he interrogated me as to whether or not I believed in union labor, and whether I believed in the check-off especially. I am mighty glad that the gentleman from Philadelphia, Mr. Woodward, has now joined with me, and does believe in the check-off. The bill he just voted for permits

that very thing, in group insurance policies it permits the employer to check-off the premiums charged to the employee.

RECONSIDERATION OF SENATE BILL No. 611, (HOUSE BILL No. 1063)

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 611, (House Bill No. 1063), entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insuarnce companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

was passed finally, May 16, 1939.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye" "nay".

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye" "nay".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 621.1), page 8, line 11, by striking out the words: S "medical or surgical benefits"; amend Sec. 1 (Sec. 621.1), page 8, line 17, by striking out the words: S "service care or attention" and inserting in lieu thereof: "hospitalization"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Mr. CAVALCANTE, does the amendment take the check-off off.

Mr. OWLETT. It does not, Mr. President.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 929, as follows:

An Act to further amend sections one thousand two hundred one one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes substitutes and temporary employes and further regulating the employment dismissal suspension demotion and retirement of such employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one thousand two hundred one of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the sixth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 213) are hereby further amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified professional employes substitutes and temporary professional employes to keep the public schools open in their respective districts in compliance with the provisions of this act

The term "professional employe" as used in this act shall include teachers supervisors supervising principals principals directors of vocational education dental hygienists visiting teachers (or home and school visitors) regular full time attendance officers who have served at least three years regular full time school secretaries business office secretaries and secretaries to the professional staff or clerks serving in the capacity of such secretaries provided such secretaries are clerks performing such secretarial duties have served at least three years in positions which are now filled from eligibility lists or who are hereafter selected on the basis of merit as determined by eligibility lists regular full time school nurses who have served at least three years and those hereafter selected who are certified and any regular full-time employe of a school district who is duly certified as a teacher

The term "substitute" shall mean any individual who has been employed to perform the duties of a regular professional employe during such period of time as the said regular professional employe is absent on sabbatical leave or for other legal cause authorized and approved by the board of school directors or to perform the duties of a temporary professional employe who is absent

The term "temprary professional employe" shall mean any individual who has been employed to perform for a limited time the duties of a newly created position or of a regular professional employe whose services have been terminated by death resignation suspension or removal

It shall be the duty of the county superintendent of schools or the district superintendent as the case may be to notify each temporary employe at least twice each year during the period of his or her employment of the professional quality profession progress and rating of his or her services A temporary employe whose work has been certified by the county superintendent of schools or the district superintendent to the secretary of the school district during the last four months of the second year of such service as being satisfactory shall thereafter be a professional employe" within the meaning of this act The attainment of this status shall be recorded in the records of the board and written notification thereof shall be sent also to the

said employe The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes in section one thousand two hundred five (1205) of this act and no professional employe who has attained tenure status in any school district of this Commonwealth shall thereafter be required to serve as a temporary professional employe before being tendered such a contract when employed by any other school district of this Commonwealth

Any temporary professional employe who is not tendered a regular contract of employment at the end of two years of service rendered as herein provided shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal

Temporary employes shall for all purposes except tenure status be viewed in law as full time employes and shall enjoy all the rights and privileges of regular full-time employes and the Commonwealth shall pay to the school district for each temporary employe the same per centum or share of salary provided by law as in the case of professional employes and in cases of temporary employes of approved local or joint vocational industrial vocational home economics and vocational agricultural schools or departments the school district shall be reimbursed as provided by law for each of their full time salaries just as though they were professional employes Such reimbursement from the Commonwealth shall not be made for substitutes except in cases of sabbatical leave

Section 2 Section one thousand two hundred five of said act as amended by the act approved the sixth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 213) is hereby further amended to read as follows

Section 1205 In all school districts all contracts with professional employes shall be in writing in duplicate and shall be executed on behalf of the Board of School Directors (or Board of Public Education) by the president and secretary and signed by the professional employe

Each Board of School Directors (or Board of Public Education) in all school districts in this Commonwealth shall hereafter enter into contracts in writing with each professional employe who has satisfactorily completed two years of service in any school district of this Commonwealth Said contracts shall contain only the following

"It Is Agreed By and between .....Professional Employe and the Board of Directors (or Board of Public Education) of the school district of .....Pennsylvania that said professional employe shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principal teach in the said school district for a term of.....months for an annual compensation of $ .....payable monthly or semi-monthly during the school term or year less the contribution required by law to be paid to the Teachers' Retirement Fund and less other proper deductions for loss of time

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and the amendments thereto

"And It Is Further Agreed by the parties hereto that none of the provisions of this act may be waived either orally or in writing and that this contract shall continue in force year after year with the right of the Board of School Directors (or Board of Public Education) to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district subject to the provisions of law without invalidating any other provision of this contract unless terminated by the professional employe by written resignation presented sixty days before resignation becomes effective or by the Board of School Directors (or Board of Public Education) by official written notice presented to the professional employe Provided that the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employe within ten days after receipt of the termination notice presents a written request for such a hearing"

(a) The only valid causes for termination of a contract entered into with a professional employe in accordance with the provisions of this section shall be immorality incompetency intemperance cruelty persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe

In determining whether a professional employe shall be dismissed for incompetency the professional employe shall be rated by an approved rating system which shall give due consideration to personality preparation technique and pupil reaction in accordance with standards and regulations for such scoring as defined by rating cards to be prepared and to be revised from time to time by the Department of Public Instruction with the cooperation and advice of a committee appointed by the Superintendent of Public Instruction including representation from county and district superintendents of schools classroom teachers school directors school supervisors and such other groups or interests as the Superintendent of Public Instruction may deem appropriate

Nothing within the foregoing enumeration of causes however shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability or the election by professional employes to retire during the period of voluntary retirement or the authority of the Board of School Directors (or the Board of Public Education) to require professional employes to retire during said period of voluntary retirement or the compulsion on the part of professional employes to retire at the attainment of age seventy Provided however that from the effective date of this act until the first day of July one thousand nine hundred forty-one boards of school directors may under the provisions of this section terminate the service of any professional employe who has attained to the age of sixty-eight from the first day of July one thousand nine hundred forty-one until the first day of July one thousand nine hundred forty-three any professional employe who has attained to the age of sixty-six from the first day of July one thousand nine hundred forty-five any employe who has attained to the age of sixty-four and on and after the first day of July one thousand nine hundred forty-seven any professional employe who has attained to the age of sixty-two

(b) Any Board of School Directors (or Board of Public Education) may suspend the necessary number of professional employes for the causes hereinafter enumerated [but only in the inverse order of the appointment of such employes]

(1) Substantial decrease in pupil enrollment in the school district

(2) Curtailment or alteration of the educational program on recommendation of the superintendent concurred in by the Board of School Directors (or Board of Public Education) approved by the Department of Public Instruction as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction

(3) Consolidation of schools whether within a single district through a merger of districts or as a result of joint board agreements when such consolidation makes it unnecessary to retain the full staff of professional employes

Whenever a Board of School Directors (or Board of Public Education) decreases the size of the staff of professional employes under the provisions of this act the suspensions to be made shall be determined by the county superintendent of schools or the district superintendent as the case may be on the basis of efficiency rank determined by ratings in accordance with standards and regulations determined by standard rating cards prepared by

the Department of Public Instruction It shall hereafter be the duty of Boards of School Directors to cause to be established a permanent record system containing at least two ratings per year at least three months apart for each teacher employed within the district and at least once each year copies of all ratings for the year shall be transmitted to the teacher No teacher shall be dismissed under this act unless such rating records have been kept on file by the Board of School Directors

In cases in which suspensions are to be made professional employes shall be retained on the basis of seniority rights where no differences in rating are found Seniority rights shall also prevail where there is no substantial difference in rating In cases where there are substantial differences in rating of those under consideration for suspension seniority shall be given consideration in accordance with principles and standards of weighing incorporated in the rating cards hereinbefore referred to

When a teacher under tenure contract is certified in a field or fields in which his service are no longer needed because of reduction in size of staff for any of the foregoing reasons such teacher may be granted a temporary certificate for the field in which his services may be used for such reasonable period as may enable such teacher to qualify for the new field of service

No employe suspended as aforesaid shall be prevented from engaging in other occupation during the period of such suspension Such professional employes shall be reinstated in the inverse order of their suspension No new appointment shall be made while there are suspended professional employes available who are properly certified to fill such vacancies

(c) All hearings under the provisions of this section or any other section of the school laws pertaining to the dismissal or the termination of contracts of professional employes shall be public unless otherwise requested by the party against whom the complaint is made

(d) Before any professional employe having attained a status of permanent tenure is dismissed or refused reelection by the Board of School Directors (or Board of Public Education) the secretary of the school district shall furnish such professional employe with a detailed written statement of the charges upon which his or her dismissal or refusal of reelection is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such professional employe will be given an opportunity to be heard either in person or by counsel or both before the Board of School Directors (or Board of Public Education) Such hearing shall not be sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused professional employe and his or her witnesses shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the Board of School Directors (or Board of Public Education)

(e) The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made If any person shall refuse to appear and testify in answer to any subpoena issued by the board any party interested may petition the court of common pleas of the county setting forth the facts which court shall thereupon issue its subpoena commanding such person to appear before it there to testify as to the matters being inquired into Any person refusing to testify before the court shall be held for contempt All testimony at any hearing shall be taken under oath and any member of the Board of School Directors (or Board of Public Education) shall have power to administer oaths to such witnesses

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the Board of School Directors (or Board of Public Education) shall by two-thirds vote of all the members thereof to be recorded by roll call determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints and in accordance with such determination shall discharge demote or refuse to reelect or retain such professional employe or shall dismiss the complaint

(g) No member of any Board of School Directors (or Board of Public Education) shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the professional employe involved or to any of the parties instituting the complaint

(h) A written notice of any decision of the Board of School Directors (or Board of Public Education) discharging or refusing to reelect a professional employe shall be sent by registered mail to such professional employe at his or her last known address within ten (10) days after such hearing is actually concluded

(i) In all cases where the final decision is in favor of the professional employe the charges made shall be physically expunged from the records of the Board of School Directors (or Board of Public Education) and in all such cases there shall be no abatement of salary or compensation but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made

(j) In case the professional employe concerned considers him or herself aggrieved by the action of the Board of School Directors (or Board of Public Education) an appeal by petition setting forth the grounds for such appeal may be taken to the Superintendent of Public Instruction at Harrisburg Such appeal shall be filed within thirty (30) days of receipt by registered mail or the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board (or Board of Public Education)

The Superintendent of Public Instruction shall fix a day and time for hearing which shall be not sooner than ten (10) days nor more than thirty (30) days after presentation of such petition and shall give written notice to all parties interested

The Superintendent of Public Instruction shall review the official transcript of the record of the hearing before the Board and may hear and consider such additional testimony as he may deem advisable to enable him to make a proper order At said hearing the litigants shall have the right to be heard in person or by counsel or both

After hearing and argument and reviewing all the testimony filed or taken before him the Superintendent of Public Instruction shall enter such order either affirming or reversing the action of the board of school directors as to him appears just and proper

The ruling or decision of the Superintendent of Public Instruction shall be final unless within thirty (30) days after receipt by registered mail of written notice of the decision or order of the Superintendent of Public Instruction an appeal which may be taken by either party is taken therefrom to the Court of Common Pleas of a county in which the district is located A copy of such appeal shall be filed in writing in the office of the prothonotary in the county and a copy shall be served on the Superintendent of Public Instruction either by filing the said notice of appeal in the office of the Superintendent of Public Instruction or by delivering the same to the deputy whether general or special before whom the hearing in the case was held

When appeal is taken from the decision of the Superintendent of Public Instruction to the county court the judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing by the court which shall not be sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition If the professional employe aggrieved shall so request in his petition such hearing shall be de novo Upon the hearing of said petition the court shall make whatever order it considers just either affirming or reversing the action of of the Superintendent of Public Instruction and stating plainly whether the professional employe is to be discharged refused re-election or is to be retained

Section 3 No provision of this act shall be construed

as requiring any professional employe now under contract to serve any period of probation or to require or authorize any school district to deprive any present professional employe of any of the rights benefits or privileges herein accorded regular full time professional employes

Section 4 The provisions of this Act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court as to those provisions shall not affect the validity of the remaining provisions of this Act It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision or provisions not been included herein

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, with reference to Senate Bill 929, which is one of the acts relating to teachers' tenure, in commending this bill to my colleagues I would like to say a word or two about it.

In the first place, the bill itself was framed as a result of a series of conferences between the four gentlemen who served as its sponsors.

I want to express my thanks and appreciation to those who took part in those conferences which were not only the four Senators but many others that were interested in the public school system. I never attended conferences which were conducted with a finer view of public service than those. As a result, this bill has developed.

The bill itself provides for certain changes in the contract status of the teacher, which I want to briefly summarize as follows:

First—and this does not apply to any teacher under contract at the present time—those who come into the system in the future come in under the label of temporary employees, and are required to give two years of satisfactory service before they receive a contract.

Second, in determining their satisfactory service the county superintendent is to report and give them a rating; and that principle of rating is applied to all the teachers in the system. I want to read this sentence from page 8 of the bill, which, to my mind, is the gist of the whole thing.

"In determining whether a professional employe shall be dismissed for incompetency the professional employe shall be rated by an approved rating system, which shall give due consideration to personality, preparation, technique and pupil reaction in accordance with standards and regulations for such scoring as defined by rating cards to be prepared, and to be revised from time to time by the Department of Public Instruction with the co-operation and advice of a committee appointed by the superintendent of public instruction, including representation from county and district superintendants of schools, class room teachers, school directors, school supervisors and such other groups or interests as the superintendant of public instruction may deem appropriate."

In that way we are providing for the gradual improvement of the teaching system, and it is done by a standard method, or a method which shall be eventually worked out by the superintendent and these others in consultation.

Third, with reference to the problem of the aged teachers it is, perhaps, known to every member of the Senate that the teachers retirement fund was established in 1919, and set up most carefully on an actuarial basis on the expectation that the retirement age would be sixty-two. It has been on that basis ever since, but a few years after there was an amendment passed whereby the teacher was given the option of continuing until seventy years of age. The school boards have asked for the option to determine whether a teacher shall continue between the ages of sixty and seventy; and in a compromise which was worked out only last week this proposition has developed as expressed in the bill—with the passage of the bill, sixty eight becomes the retirement age, and then in two years sixty six; and in two years more sixty four; and in two more years sixty two, staggering it into brackets, the idea being that eventually the retirement age will be sixty two, although at all times the board may extend that if for any reason a teacher is especially meritorious, when a teacher may continue in the service until seventy.

My feeling is that that inasmuch as retirement has been prepared on the basis of taking care of all of the teachers at sixty-two, this becomes an exceedingly fair feature.

Fourth, there is a change with reference to the procedure in the event a teacher is dismissed by the school board and takes an appeal. The first appeal is with the state superintendent of public instruction, or, rather from the school board to the state superintendent of public instruction. This is the plan which has prevailed in the State of New York, I think, for thirty-five or forty years—ever since they have had tenure—and it has worked out with unusual satisfaction, because it brings the appeal to a professional body, or to a professional expert. As a matter of fact, if the teacher feels there is prejudice on the school board against her, nevertheless the appeal to the state superintendent removes that element; and then there is a second appeal to the county board, where there may be a hearing de novo in the event anyone decides to take an appeal.

In the fifth place, the act contains elaborations of the principles that are to govern the retirement of teachers when there is a decrease in the number of teachers needed on account of a decline in the school attendance. That has become a serious problem, and the state department asked us in this act to make it clear as to the number of attendants, concerning which there has been controversy and the basis of that, I think, is worked out there is this kind of a provision; take a case where there is a school with seven teachers and it combines with another school with five teachers, and by reason of the consolidation two teachers must be dropped. There is a principle of economy involved.

Under this particular bill rating is the basis for determining which two shall be dropped. I think you will all agree that would be right; it would be a mistake to make seniority the only test, that might result in dropping two of the best teachers; and, from the point of view of the children, it is essential that the best instructor should be kept in the school. But the act itself is tempered in this way: if the two teachers who are to be dropped are of equal ability, seniority shall be considered and also the other elements shall be considered in determining the rating.

I want to say, Mr. President, that in submitting this bill on behalf of those who sat with me in the framing of it,

I want to ask all of the members of the Senate to regard this problem solely from this point of view: what is best for the public schools of the Commonwealth? My own love for the public schools has been referred to myself, perhaps, too often, but I regard the public schools as the most hopeful agency we have, of all the governmental agencies we have it is the one that builds toward the future; it is the one that provides for advancement; it is the one that gives a chance for a career; and in the service of the public schools we have a fine body of men and women in Pennsylvania.

While there has been a good deal of controversy on this subject, my own feeling is profound that the subjects of criticism are a very small percentage of school directors, and a very small percentage of the teachers. I believe that the vast majority of both of them are sincerely anxious to do a good job, and if by this act we can help them to do better work so that we are insuring a better education for the children, then, I think, Mr. President, we have a right to be proud of ourselves.

Mr. SHAPIRO. Mr. President, I find myself in the position in connection with these bills, of one who has proceeded in a cause with a definite purpose in view and then found that the results desired could not be obtained. Senator Mundy and myself—and I think in what I say I speak for him—were interested in one of the major problems in this whole situation, the one to which Senator Edmonds has referred, namely, while we are trying to build up on the one side the teacher situation, there is, too, another situation, where the school districts are continually coming to the Commonwealth of Pennsylvania for additional funds. Unless the consolidation of some of the schools, and a lessening of the classes can be brought about in a fair way, this continued appeal for supplemental funds will continue ad infinitum; and it was because of that State-wide phase of the picture that I proceeded to see if some solution could be reached.

Senator Mundy felt the same way about it. We had no desire or intent to disturb tenure, and I do not believe we did do it, and I do not believe that this bill does it. The teachers, however, seem to have come to only one conclusion, and that is that any bill passed which relates to tenure, disturbs it to their disadvantage.

They may know more about it than I do, and it is because I am not going to get into a quarrel with that picture, that I say—said last night, rather, I am going to let the teachers fight this battle themselves, and I am going to take myself out of the battle. They may be right in their position, I think they are wrong in one position, and that is, this: at the last discussion, the last conference we had to which the Senator from Montgomery, Mr. Edmonds, has referred, this bill, Senate Bill No. 929, was considered and every phase of it discussed, and as we took each subject up, the teachers who were represented—and I think I am correct in saying almost every group of teachers was represented—those teachers discussed and fought hard for their points. Most of them were granted, with one exception, I think, which dealt with the question of whether a teacher who is on a trial period of two years should get the same right to appeal, if she were dismissed before the two years were over; and I think there was a discussion with regards to that—that she has the same right of appeal because the act provides that this temporary teacher, except for tenure, shall have the same right as any other teacher who holds a contract, except for the right to demand a permanent contract, she would have the right of appeal and all the other rights of a teacher who has tenure. So I felt in my own mind there was no objection to that.

There was a discussion about seniority, and as the bill was originally drawn it provided that rating should be the test and not seniority, and the teachers raised some question about that, and we battled that out in the committee to find a way to satisfy the teachers and at the same time solve the problem, which was to avoid having more teachers than were necessary for the pupils, and at the same time retain the best teachers; and everybody had some suggestion to make, and the result of the suggestions are in the bill today.

While I cannot say that everybody got up and said, "I agree with that, it is fine and we will be bound by it," I can say nobody objected. When we left the room around nine o'clock everybody seemed to be satisfied that was the way to reach a conclusion, and that was the conclusion to reach. Now the teachers since then, some of them, think this is worse than Senate Bill No. 45, and think that this bill affects tenure, and they say they do not want me to take any part in these proceedings; and so, since they know more about it than I do, I am going to vote "present" on this bill and allow the matter to take its course.

Mr. DENT. Mr. President, on page 8 of the bill beginning at line three it says:

"In determining whether a professional employe shall be dismissed for incompetency the professional employe shall be rated by an approved rating system which shall give due consideration to personality, preparation, technique, and pupil reaction in accordance with standards and regulations for such scoring as defined by rating cards to be prepared and to be revised from time to time by the Department of Public Instruction."

I have before me a rating card designed by the Department of Public Instruction. I want to read to this Senate the qualifications that a teacher must have in order to be rated according to this card. I will start off first with "Definitions."

"I PERSONALTY"

"1. Appearance-Attractiveness; cleanliness; neatness; appropriateness of attire; posture.

"2. Voice—Rate of speech; distinctness of enunciation; flexibility; pitch; tone.

"3. Power—Health; vigor; initiative; command.

"4. Character—Tact; kindness; optimism; sense of humor; justice; integrity; morality.

"5. Co-operation—Sympathy; open mindedness; cheerfulness; loyalty; cordial working relations with pupils, colleagues and superiors."

If that is not enough I will go over to the second schedule:

"II PREPARATION"

"1. Command of English—Clearness; accuracy and fluency of diction; absence of grammatical errors and colloquialisms; unity and coherence of ideas; appropriateness and force in choice of words.

"2. Specific knowledge—Accuracy, quantity and organization of the lesson's subject matter.

"3. General Scholarship—Breadth of information; sense of relative values; power of logical thinking.

"4. Professional equipment—Knowledge of current educational theories and practice; knowledge and use of

educational psychology; improvement with experience.

"5. Citizenship—Sense of civic responsibility; participation in community activity; evidence of right civic thinking and teaching in class room."

"III TECHNIQUE"

"1 Room conditions—Hygienic conditions; attractiveness; order; adaptations of furniture and equipment to specific needs.

"2. Selection and organization of subject matter—Definiteness of aim; adaptation to pupils' interests, needs and capacities; skill in questioning.

"3. Resourcefulness—Sense of proportion; treatment of answers; use of illustrative material.

"4. Motivation—Recognition of pupils' apperceptive bases; relation of lesson to pupils' interests; use of problem method.

"5. Conclusiveness—Each lesson a unit; pupils' sense of something done; results secured."

"IV PUPIL REACTION"

"1. Efficient functioning of habits and skills—Promptness, regularity and good form; respect for self and for the school authorities; skill in the arts.

"2. Command of subject matter—Good lesson preparation; accuracy and availability of information."

"3. Thinking ability—Recall and selection of significant facts; coherence of ideas; ability to draw sound conclusions.

"4. Expression—Clearness, grammatical correctness, precision and conciseness in use of English; good vocalization and bodily attitudes.

"5. Tastes, appreciations and ideals—In literature, art and science; evidence of thoroughness, integrity and fairness."

Then, if that is not enough, it says to see the reverse side.

I do not see how anybody that is a normal human person could qualify under this rating scale if someone did not want her; if there is not one little point in this qualifying scale to throw the teacher out, they would have some other schedule made up.

I think it is only asinine; to compel a teacher to be rated according to these qualifying requirements is asinine.

Mr. REED. Mr. President, is it effective now?

Mr. DENT. Mr. President, it is effective right now.

Mr. EDMONDS. Mr. President, may I say that this rating card form which the Senator is reading has been used for about fifteen or twenty years

Mr. DENT. Mr. President, that is right.

Mr. EDMONDS. And Mr. President, it is being used in a great many school districts at the present time. It was thought, by the sponsors of the bill, that it would be better to have a Pennsylvania system of rating developed here, and that is the reason in the bill we provided that the state superintendent should call in the representatives of all the teaching bodies and thereby make a standard rating for Pennsylvania. I do not think it would be the same as the one from which the gentleman from Westmoreland, Mr. Dent, has read.

Mr. DENT. Mr. President, what is that?

Mr. EDMONDS. Mr. President, I do not think it would be the same as the one from which the Senator from Westmoreland read.

Mr. DENT. But, Mr. President, the law does not specifically state they cannot use this rating.

Mr. EDMONDS. Mr. President, it does not specifically say they cannot use it, but it does say the committee shall work out an adequate system of rating.

Mr. DENT. Well, Mr. President, if they have used it for fifteen years in the State of Pennsylvania, then the Department of Public Instruction evidently thinks it is adequate.

Mr. EDMONDS. Mr. President, it has been used in the State of Pennsylvania in some districts it has not been universally used.

Mr. DENT. Mr. President, does the Senator from Montgomery, Mr. Edmonds, think that a teacher, under these particular qualifications, could dodge the wrath of someone who did not want her in the school?

Mr. EDMONDS. Mr. President, I think it is important that the ratings of the teachers should be made; I think it is important that the teacher should continue to improve in her work; I think it is important that the teacher should be notified by the superintendent if she is sliding down.

The first thing that aroused me in this matter was when, a county superintendent whom I have known for twenty years and who has been a most efficient man, told me he had always gotten up self-improvement classes, with about fifty or sixty teachers subscribing, and that in the last year he had not been able to get even one. That I regard as a rather unfortunate for education.

There are new sciences, new arts, new ideas developing all the time, and they must be communicated to the children through the teacher. Therefore, it seems to me that some rating is essential in order to keep the teacher in touch with the improvement in her line of work, but I do not think it will be the kind of rating which the Senator from Westmoreland has read, which seems to me to be a little bit too psychological for the exigencies of the situation.

Mr. DENT. Mr. President, of course I only have this rating schedule before me, and I am going to vote "no" until I see something that will give the teacher a better break in the situation.

Mr. SIPE. Mr. President, I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SIPE. Mr. President, I know that the Senator from Montgomery, Mr. Edmonds, has a knowledge of the source of the teacher's rating history which took in algebra, trigonometry and calculus so I want to ask him if he knows of any similar rating card that could be used in an effort to secure a little higher type of school directors in Pennsylvania.

Mr. EDMONDS. Mr. President, I would say, beyond all question that is needed, too; but let us make this start and after you have made a start and it has worked successfully then let us try our hand at the other.

I would say, personally, I have been a school director and I have sympathy for their job, as well as for the school teacher; but it was not until the Senator from Luzerne, Mr. Mundy, gave me one day a series of personal experiences that he had known in his county, it was not until then that that side of the proposition came to me with full force.

I, personally, do not want to destroy tenure in the slightest degree; I do not want to have the teachers themselves exposed to exigencies of either favoritism or politics,

but I do want Pennsylvania teachers to be a continually improving group, and I think something like this is necessary if we are going to have the best kind of teachership.

Mr. CAVALCANTE. Mr. President, I agree generally with the gentleman from Montgomery, Mr. Edmonds that our efforts should be toward improving the school system continuously. We may differ very radically as to how the improvement ought to be brought about and what improvements are needed. This whole structure of schools in this Commonwealth is very intricate.

I say that we cannot take all the foundation that was established a hundred years ago and upon it build a modern-day I mean Empire State Building I think that the conditions we are familiar with as existing in the school structure of this state satisfies a reasonable mind that there can be many improvements; but I am not ready to say that by jumping on to the teachers we are going to cure the conditions that need to be cured. If we are going to do a good job with our school systems it does appear that we should start to take this thing apart from the bottom and start to build a foundation that can hold the type of school system that the gentleman from Montgomery has in his mind.

I agree fully with the gentleman from Armstrong, Mr. Sipe, that the foundation part of our school system probably depends upon what the school directors have made it in years past. We cannot have a stream-lined school system with an ox-cart foundation below it.

There is no question that we have, over the State of Pennsylvania, many school districts that ought not to be in existence. I cater very strongly to the county unit of school systems, and the sooner we come to it the sooner we will be on our way toward achieving the school system that the gentleman from Montgomery has in mind.

This bill is not a movement in that direction yet; we will have to come to the point where we will have to abolish all school districts within the county and have but one school district within a county; and if we wish to preserve home rule in that system we can provide for the election of three school commissioners in a county. But I cannot see that we are on the right course by meddling with the tenure of the school teachers.

Sooner or later we will have to face this problem of the school teachers as we have faced it in other matters pertaining to the State. Last night, or early this morning, after the session, I lay in bed and read the policy of the Governor on this Van-Allsburg bill, and that his policy is that since the State furnishes the money for relief the State should have the control of this administration down in the counties; and I say that sooner or later, if we are sincere and honest in our opinions, that the school teachers must be brought under this strict supervision, as contained in this bill, we must also recognize the policy that the State contributes a large portion of the teachers' salaries—and I hope that the day will come when the state will pay all of the teachers salaries, and that the checks will come from the State Treasury Department, and that the teacher will become an employee of the State rather than an employee of the Board of School Directors in the county.

This bill that is before us, I say, is not a step in the right direction to achieve the school system that the gentleman from Montgomery has in mind. I listened very attentively to his discussion, and he stated that this bill will not effect the tenure of any present school teacher; but I say there must be some mistake in the legal construction on the or legal discussions of this bill, because there is not an act of the assembly that if passed that does not cover the entire subject.

If this bill is passed the provisions of it must apply to all school teachers even though they have their contracts now, because their contracts, if they have them, is because they were given to them by the Legislature, and their contracts are not such contracts as are protected by the Constitution, such that we cannot constitutionally take them away from them again. As we gave them the contracts, so can we take that contract away from them again, and when this bill is passed, which affects the contracts of the teachers, all these provisions pertaining to their eligibility and the manner of their removal must apply to these teachers that now have their contracts. So I say it is idle to say if this bill is passed it will have no effect upon the teachers who now have contracts with the school districts.

This bill is not a bill in the right direction. We are here passing a bill and requiring school teachers to be angels more perfect than those we would find in Heaven; and, gentlemen, those of us who do practice law have over and over again read the opinions of judges, and I say judges are human and fallible, the same as any other mortal. Teachers are no different, doctors are no different, attorneys are no different—we are all alike, and if we take seriously the requirements of this bill, the qualifications required of teachers, we want to make those teachers super-human beings.

Now, gentlemen, we cannot do that. We must be prudent and we must be reasonable. I cannot conceive the fairness and the justice in telling a teacher, "Now, you cannot smoke in public, you cannot play cards, you cannot go to the beach and wear abbreviated beach bathing costumes, such as you see there, you must go down the street on Sunday with a Bible in your hands, and your hands crossed before you." We cannot do that and we ought not to do it. It is asking them to do something that is rather superhuman. We ought not to tell these teachers that they cannot do the things that school directors may do with impunity.

I do not believe in putting the teachers of this Commonwealth under the complete domination and control of school directors, who do not meet at least the same standards of intelligence and standing as school teachers do.

Why, look at the Constitution. The Anglo-Saxons have fought for centuries to insure to themselves a trial by a jury of their peers at least. We have carried that down through our society. I have been a soldier for this country, and I know that when we are accused in the military system of this country we are entitled to be tried by those of equal rank, or higher rank when you are a select officer.

Now, these teachers must go to school; they must for six or seven years; then they must keep their rating up; they must study every year; they cannot engage in the profession of school teaching until the State has given them a certificate, and then they must teach fr three long years before their certificates become permanent. And after we require all of that from these teachers, then we say "Your tenure, your position, all the time you have spent training yourself, will depend upon the whim and caprice of seven or five men elected at random from the rank and file, who may know nothing about the school system of this State.

I say that this system is wrong. We are dealing with a very vital subject—the school teachers of our State—and we ought not to run pell mell here into this situation in the

dying hours of this session when we had time at the beginning of the session to come to grips with this problem. You are now putting through here a bit of legislation that you say was written up after conference with people not members of this Senate, but outside of the Assembly halls. I do not impute to you their motives because you did that, but, gentlemen, if it took you a week or two weeks to confer and put together this legislation, does it not appeal to your sense of fairness that it may require a couple of weeks hard study for somebody that is in it in order to ascertain the real affects of this bill, if passed?

This bill will be followed by another bill—I think it is Senate Bill No. 930—and we are going to vote on this bill first, and then after this bill is passed and we come to Senate Bill No. 930 on the Calendar, then, of course, we are faced with a situation that if we passed this bill we must also pass Senate Bill No. 930, or otherwise Senate Bill No. 929 will not have any effect—your ideas will not be carried out. Now, then, I say if we are going to act intelligently, and discuss the matters involved very intelligently, this bill ought to go over in its order until we come to Senate Bill No. 930 on the Calendar and then we will take them both together, so that we will see what both of them together do, and then we will be in a position to vote very intelligently; and, if it is not too much, I would like to request that the gentleman from Montgomery allow that bill to go over momentarily until we come to Senate Bill No. 930.

Mr. REED. Mr. President, I want to say a word on this important subject. I start out on the premise that the public school system was inaugurated years ago for one purpose only, and that purpose was to train our young people so they would be better citizens. Now, our school system was not made for the teaching fraternity, it was not made for the directors, it was not made for any other group, it was made for the young in order that they might grow up and be better citizens.

I do not know, Mr. President, anything about the school systems in the large centers. What I say I say from my experience as one coming from a small community. I saw our schools, in my own township grow from country schools up to large modern schools; I saw the tax rate increase from two mills up to forty-five mills today. Now, that increase fundamentally should have been to promote better education for our young people.

I taught, when I was a younger man in my own township, so I know something a little about the teaching profession as of that day. We have grown very rapidly, not only in the size of our schools but also in the increased cost of running those schools. I voted for teachers' tenure; I believe in teachers' tenure; but at the same time, Mr. President, I believe in a philosophy of education that will also help the people who are paying the bill. If we are going to continue, Mr. President, in the course we have recently taken, then I say why have school boards at all Discharge them and let some other faculty be raised up in order to control and take care of this important subject.

Are we coming to the place, Mr. President, where the representatives of the people who control our various school facitities in the districts have nothing else to do but to raise the money, and let someone else tell them how to spend it? If we are running in that direction, Mr. President, then I say our whole system is going to soon collapse.

I am interested primarily in the Republic of the United States. I am likewise and for the same reason interested in every subdivision of that Republic down to my little school district; and I know, Mr. President, what trouble we have every year in raising money to carry our school system down to the end of the nine months term.

Our school directors are coming to a place where they know not what to do. If they are going to be representatives of the people, then they have a right to have, surely, some power in controlling this important problem. There was a time, when I was a young man teaching in the schools, when the teacher and the directors sat down together and worked for the common good of all. Has that time passed? Will that time never return to us?

I say, Mr. President, that these are important questions and we are not working here for today, for any one group; we ought to be working for all the people of this great Republic and I see nothing wrong with this bill of Senator Edmonds. I can see nothing in that bill that will work against the fundamental principle of our public schools system. If there are people in this profession who become unable to carry on those burdensome and important duties they ought to be willing to step out and let someone else who is more effecient take their place. That is the way things are done in other lines of activity, and those activities perhaps are not as important to the people as this important field of conduct.

If this bill was a bill that meant to destroy teachers' tenure entirely, I would be against it; but as this bill stands, I am going to vote for it, because I see nothing fundamentally wrong with the theory that is back of this bill; because it brings about a situation which, if properly handled, will work for the good of all.

Mr. MUNDY. Mr. President, I am going to ask to be indulged for a minute to set myself correct on the record as to my position on this bill. I take no pride in authorship of the original S. 52; the pride I take is in the introduction of that bill primarily. I did not ask for any conference, originally, on this bill; several conferences were conducted before I was called in consultation to consider the preparation of a so-called compromise bill.

The S. 52 was regarded generally as a teachers' bill; S. 45 was regarded as a school directors' bill; I thought perhaps we could get together and introduce a composite idea in a bill which would be neither a school directors' bill nor a school teachers' bill. A prime consideration in my mind was not the school director or not the school teacher but the school child of the State of Pennsylvania, who is the one, after all, who would be most seriously concerned. I did attend two conferences—Senator Shapiro, Senator Edmonds, Senator Homsher and myself, and a representative of the Department of Education—and we drafted a tentative bill. On the subsequent conference I was not present, but I was given to understand groups of teachers came into that conference, and amendments were introduced, and that the bill was satisfactory to all concerned.

Since my return I want to say, too, that Senator Homsher and Senator Edmonds extended to us every possible courtesy, and extended to me, personally, extraordinary courtesy in my absence in allowing this bill to go over. I think they thought truly and justly that my name having been put on this bill that naturally I would support it and vote for it. Certain groups are not satisfied with the system of rating as contained in this bill.

Personally, on reading it over, I, myself, saw an op-

portunity for a recurrence of certain abuses up in my own district. I had intended, as Senator Shapiro said he intended to do, and I so informed Senator Shapiro, that I would vote "present" on this bill. I have sat here and considered that situation. Since coming to the Senate I have never voted "present" on a bill, and I have not knowingly left this chamber when a controversial bill was on the calendar. I therefore say, with the indulgence of the two gentlemen who were so extremely kind and courteous to me, that I will not duck this issue, that I am going to go on record as voting "no" on this bill.

Mr. DENT. Mr. President, I would like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. DENT. Mr. President, is it not true that seniority is only a secondary consideration under the terms of this act as amended?

Mr. EDMONDS. Mr. President, under the condition of the illustration I gave the Senator a few minutes ago, when a teacher is to be dropped or two teachers are to be dropped because by consolidation of schools there is a decrease in the teacher enrollment, they are to be dropped in the order of their rating; and if they are equal in rating, seniority then prevails.

If, on the other hand, there is not a substantial difference between them, then the record is rated for seniority; it is directed that the record is to be rated so that the senior teacher may have a higher standing than the other; but if there is a substantial difference, then seniority would not overcome it, and personally I think that is for the good of the teachers.

If you have an A-1 teacher who does not happen to be the senior teacher, and there is a senior teacher who is not A-1, it would surely be better for the children if the A-1 teacher were preserved for the system, whether she was the senior teacher or not.

Do I answer the inquiry of the Senator from Westmoreland??

Mr. DENT. Yes, Mr. President, the Senator from Montgomery has answered the question that was in my mind, because, after reading the amendment I find, "In cases where there are substantial differences in ratings of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of rating incorporated in the rate changes hereinbefore referred to."

From long experience of writing seniority rules in labor disputes and agreements I find that seniority is subject to rating in all cases, seniority, in the first instance, where two persons have the same seniority and length of service, the determining factor is the rating. Rating is a thing to be determined by the whim and the will of those establishing ratings from the score cards; and therefore, being truthful about it, seniority is wiped out altogether because of the fact that rating is more important than seniority, because seniority is subject to the rating of the teachers to be considered.

A teacher just coming into the school system this year could take the place of a teacher that has served ten or twelve years, because her seniority is subject to a rating proposition. There is no such thing as having two teachers and then deciding between the two—those who have the same terms of employment—because under section 5 in the amendment it clearly states that in all cases seniority shall be subject to a question of rating when one of two teachers is to be dropped.

Therefore, to make my point clear, that seniority is, to be wiped out—only in those instances where a teacher is desired by those establishing the ratings will her seniority be prevailing. I think that is clear to anybody who has ever established any seniority rules.

Mr. EDMONDS. Mr. President, I agree with the Senator from Westmoreland in part, and disagree with him in part. In other words, where there are two teachers of equal ability and only one of whom has to be dropped, of course, rating would be decisive.

On the other hand seniority is considered in the ratings and, that being the case, seniority is not disregarded; so I think, when the Senator from Westmoreland says seniority is wiped out, that is a little too strong.

Mr. DENT. Mr. President, according to the rating card before me seniority is one of the sixty-two qualifying tests, and so seniority takes its position along with pitch and flexibility and all those other indeterminate items.

Mr. EDMONDS. Mr. President, that is one of the things the Committee has to determine—what the weight of seniority is to be.

Mr. DENT. Well, Mr. President, that is not determined at present; is that true? It has not yet been determined what percentage shall be given to seniority?

Mr. EDMONDS. No, Mr. President. I said that is to be determined by the commission or committee called by the superintendent, which must contain representatives of all those groups.

Mr. DENT. Mr. President, I do not want to be stubborn in the position I have taken, but after reading the amendments very carefully and giving all the consideration necessary on such an important measure, I want to state here it is my belief that before any court seniority would be wiped out under the provisions of this act.

Let us look at the question on its merits and say we are voting here to have a teacher dismissed on a rating basis, which puts it right back where it was before tenure was ever passed. It takes out one of the most valuable features of tenure and that is seniority.

Mr. SIPE. Mr. President, despite the glowering looks of the gentleman from Tioga, I wish to say just a word or so, promising I will not detain the Senate in its consideration. I simply want to make the observation that I do not know where under Heaven a person could be found of sufficient learning, sufficient powers of analysis, sufficient sense of justice to evaluate and appraise any teacher under such a scoring card as the Senator from Westmoreland read, and which the Senator from Montgomery, Mr. Edmonds, seems to approve, saying it has been in operation, or use, in different parts of this State for some time.

I hope, in the name of humanity and common sense, that the superintendent of public instruction will bring forth out of the travail of his soul a scoring card, if we may call it such, of much simpler form and of much smaller size and implications. It is one of the most silly, unworkable, nonsensical, asinine things of the kind that I ever heard of, and as I say I challenge any person to be produced who could justly evaluate a teacher or anybody else with those sixty-two ramifications, and implications

many of which are entirely subject to the whim of the gentleman who may make the evaluation of the poor teacher. God pity a teacher under such a scoring card at the hands of some superintendent who does not have a sense of fairness.

And the question recurring,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Geltz,	Miller,	Snowden,
Chapman,	Heyburn,	Owlett,	Stevenson,
Crowe,	Homsher,	Pierson,	Tallman,
Dando,	James,	Reed,	Thomas,
Deitrick,	Jaspan,	Ruth,	Walker,
Ealy,	Letzler,	Scarlett,	Wolfenden,
Edmonds,	Mallery,	Sipe,	Woodward,
Gelder,			

NAYS—17

Cavalcante,	Farrell,	Kilgallen,	McGinnis,
Coleman,	Frey,	Kunkel,	Mundy,
Dent,	Gilson,	Lanius,	Rice,
DiSilvestro,	Haluska,	McCreesh,	Stiefel,
Eroe,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 930, on page 12 of today's Calendar, thus accepting the suggestion of the Senator from Fayette, Mr. Cavalcante.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I object at this time; let it come up in its order.

Mr. STIEFEL. Mr. President, I second the motion.

MOTION TO CONSIDER No. 930 ON THIRD READING

Mr. OWLETT. Mr. President, I move that the next bill to be considered shall be Senate Bill No. 930, which is a companion bill to the one that we just passed.

Mr. CAVALCANTE. Mr. President, I object.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Shall the bill pass finally.

The CLERK proceeded to call the roll.

Mr. STIEFEL. Mr. President, are we now considering Senate Bill No. 930?

The PRESIDENT. The motion has been carried and the next order of business is consideration of Senate Bill No. 930.

Mr. CAVALCANTE. Mr. President, does it require a two-thirds vote to call a bill up out of order.

Mr. STIEFEL. Mr. President, I understand the Senator from Fayette, Mr. CAVALCANTE, objected to immediate consideration of Senate Bill No. 930.

The PRESIDENT. That is correct, but an objection is not a motion.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 930, entitled:

An Act to further amend section four hundred four of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I understand we are voting on the bill; is that correct?

The PRESIDENT. That is correct?

Mr. SHAPIRO. Mr. President, some of the gentlemen over here are confused, and think they are voting on the motion to take the bill up out of order.

The PRESIDENT. The vote is on the bill, but in order to avoid confusion we will again call the roll.

The CLERK proceeded again to call the roll.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

Mr. DENT. Mr. President, I want to be recorded as voting "no" on this bill.

The PRESIDENT. It is so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Geltz,	Miller,	Snowden,
Crowe,	Heyburn,	Owlett,	Stevenson,
Dando,	Homsher,	Pierson,	Tallman,
Deitrick,	James,	Reed,	Thomas,
Ealy,	Jaspan,	Ruth,	Walker,
Edmonds,	Letzler,	Scarlett,	Wolfenden,
Gelder,	Mallery,	Sipe,	Woodward,

NAYS—18

Cavalcante,	Eroe,	Kilgallen,	McGinnis,
Chapman,	Farrell,	Kunkel,	Mundy,
Coleman,	Frey,	Lanius,	Rice,
Dent,	Gilson,	McCreesh,	Stiefel,
DiSilvestro,	Haluska,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 527

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 16, 1939.

Resolved, (if the Senate concur), That House Bill No. 527 Printer's No. 585, entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

be recalled from the Governor for the purpose of amendment.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 936, (House Bill No. 673) on final passage, entitled:

An Act to amend subsection (6) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand fifty-three entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejecment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Common Carrier by Motor Vehicle" persons or corporations who furnish transportation of school children exclusively or transportation of certain materials in dump trucks.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two and paragraph four of section five of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws five hundred fifty-one) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certified by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Thomas, the sponsor of this bill.

The PRESIDENT. Will the Senator from Mercer, Mr. Thomas, permit himself to be interorgated?

Mr. THOMAS. Mr. President, I will.

Mr. HALUSKA. Mr. President, will the Senator from Mercer, Mr. Thomas, tell us the purpose of this bill?

Mr. THOMAS. Mr. President, this bill does several things. This bill permits the examination of certain miners, to be handled by the Miners' Examining Board, and I think it standardizes the examination and makes it easier for miners to be examined; and it is requested by the Secretary of Mines, and I think he should be considered in this.

Mr. HALUSKA. Mr. President, may I ask the Senator from Mercer, whether this bill is sponsored by him through his own initiative, or whether the bill was handed to him by some department head?

Mr. THOMAS. Mr. President, this bill was recommended by the Secretary of Mines, Mr. Thomas.

Mr. HALUSKA. In fact, Mr. President, the Senator from Mercer had no knowledge of the contents of this bill before the bill was handed to him; is that correct?

Mr. THOMAS. Yes, Mr. President, I knew something about it before it was handed to me.

Mr. HALUSKA. Mr. President, the Senator from Mercer did?

Mr. THOMAS. Yes, Mr. President.

Mr. HALUSKA. He did, Mr. President?

Mr. THOMAS. I did, Mr. President.

Mr. HALUSKA. Mr. President, can the Senator from Mercer tell us—when the bill was first introduced, as I understand, the board set up to examine these miners was a board of inspectors; is that correct?

Mr. THOMAS. Mr. President, I do not understand the question of the Senator from Cambria.

Mr. HALUSKA. Mr. President, when the bill was first drawn the board set up to examine these miners was a board of examining inspectors; is that correct?

Mr. THOMAS. Mr. President, I do not know what they called the board before.

Mr. HALUSKA. Mr. President, the Senator from Mercer

said he had some knowledge of the bill. When the bill was originally drawn, who was delegated to examine these miners?

Mr. THOMAS. Mr. President, there were three boards —I know that much, three boards examining those miners.

Mr. HALUSKA. Mr. President, were they doctors' boards or miners' boards or what?

Mr. THOMAS. Mr. President, it was made up of miners, I understand.

Mr. HALUSKA. Mr. President, do I understand the Senator from Mercer, Mr. Thomas, correctly—when he first introduced this bill—that there were set up three boards of miners; is that right?

Mr. THOMAS. No, Mr. President, I think they had been suspended when this was first brought to my attention.

Mr. HALUSKA. They were suspended, Mr. President?

Mr. THOMAS. I think so, Mr. President.

Mr. HALUSKA. Well, Mr. President, can the Senator from Mercer tell us what he recommended, whom he recommended in their place?

Mr. THOMAS. Why Mr. President, as this bill is here it recommends a Mine Examining Board to handle the examinations.

Mr. HALUSKA. A Mine Examining Board composed of whom, Mr. President?

Mr. THOMAS. Composed, Mr. President, of a mine examiner, an operator and a miner.

Mr. HALUSKA. Mr. President, was that in the original act as drawn by the Senator from Mercer?

Mr. THOMAS. I think, it was, Mr. President, yes.

Mr. HALUSKA. Does the Senator from Mercer, Mr. Thomas, think that is right, Mr. President?

Mr. THOMAS. That is my impression, yes, Mr. President.

Mr. HALUSKA. Mr. President, I am very sorry to be informed by my colleague from Mercer County that he has no knowledge whatsoever of the contents of this bill. No doubt the bill was handed to him by a department head last night. We were informed of that. And we have been informed that unless a bill has the approval of some department head, it has no chance whatsoever of coming to life.

This is a very important piece of legislation. In the 1937 session of the State Legislature we enacted what is known as a Miners' Certificate Bill. The United Mine Workers of the bituminous fields have tried since 1911 to have such legislation enacted. It has been in force now for two years; there has been no complaint from either the miners or the operators. Ordinarily we have two sides to any story. I have not heard of one coal operator condemning this act, but now we have a third party, the Department of Mines, and they say it is good neither for the operator nor for the miner. There must be some purpose, some motive in mind for the ripping out here—and I call this a ripper—ripping out these miners' boards.

I would like to have someone on that side of the house give me some reason for the enactment of this bill. Therefore, Mr. President, I would like to have anyone on that side of the House give their reasons for the enactment of this bill.

Mr. LETZLER. Mr. President, I believe this bill is intended to accomplish some good for the miners, and I think that is its sole intent; it is drawn for that purpose.

In the first place, it will standardize the method of examining miners. It employs a method that has been in vogue in the bituminous coal districts for a period of forty years. That is composed of a representative of the operator, usually the superintendent of mines, the inspector in the district and a miner.

I think one great advantage of this bill is that it will provide an opportunity for twenty-five bona fide miners to be placed on these boards?

One of the objections to the operation of the examining board as it was composed prior to this was that it took too much time for the miners to be examined, and very often they had to wait two or three weeks before they could get their certificates. This was due to the fact that the territory is so large—there are 25 counties and 25 districts involved in this bituminous area. Now, this bill intends to set up, if necessary, 25 boards, one in each district where there is an inspector and where a superintendant is available, and a miner; and therefore the miner representation will be increased from what it was under the old system, nine members, to twenty-five miner representatives. I think that is a very favorable part of the bill.

Then I heard, in the hearing that was held down here some two weeks ago—I believe Mr. Marks, of Clearfield, as well as Mr. P. T. Fagan, of Pittsburgh, made this objection in answer to a question. They were asked, "Have you heard any criticism of the present Mining Boards?", and they answered in this way, "The only criticism we have heard is that sometimes a miner has to travel eighty or ninety miles to get to an examination, and when he gets there he finds that there is no board sitting there and he has to return home without being examined."

That is one of the things this bill intends to obviate—that is, make it possible for the miners to be examined very easily. It is not difficult to see, in a territory reaching from Tioga County way over in the upper part of the State, to the extreme western or southwestern part of the State, in Greene County, comprising some 16,000 square miles, that it is very difficult for three boards to cover that entire area and be there when the miners want to be examined for their certificates. The result has been men have lost jobs because they could not get certificates; the distance was too great, and miners cannot afford to travel eighty or ninety miles and then not be examined; they have to provide themselves with keep, meals and transportation, and that is too expensive.

I also understand that instead of the fee being two dollars it is proposed in this bill that it be one dollar, and I think that is another advantage to the miner, the fact that this service will only cost one dollar.

There have been examined, up to now, approximately 120,000 miners. The boards were suspended about the first of March, and right now there is an accumulation of about two hundred applications for miners' certificates, so there is not a large accumulation; and it is stated by those in authority that the potential number of applications for a year now might be somewhere around two or three thousand. That is the maximum.

I feel this is a very fine bill. It is for the benefit of the miner, it will give him convenience and make it less expensive for him, and for that reason I am going to vote for the bill.

Mr. HALUSKA. Mr. President, I wish to thank the Senator from Clearfield, Mr. Letzler, for his explanation; and I wish to state that, in accordance with the turnover of men employed in the bituminous mines, there are today upwards of some 120,000 miners employed in this great

industry—the death rate and turnover is about ten per cent. Therefore, we should have in the future in the neighborhood of ten to twelve thousand miners applying to be certified yearly.

Now this bill tend to rip out the original three boards of three men per board, and in place of that they are putting in twenty-five boards, but composed of whom?—one mine inspector, one mine superintendent, and one miner.

The miner must apply to the mine superintendent, a man that might be very active in union duties, union activities, must go to the mine superintendent and ask to be certified. Think of it! And then they call it a miners' board! The records show, Mr. President, that we have in the County of Cambria, and in the County of Clearfield, adjoining, over one thousand coal mines that have not been inspected by the mine inspectors. We have many, many thousands of coal mines in Pennsylvania that for the last two years have not had one inspection, and then it is proposed to have the mine inspectors certify ten or twelve thousand miners yearly. Why I think it is a disgrace to think that men shall go down in the bowels of the earth without any protection because, now, of the lack of mine inspectors.

I spoke of that in the early part of the session, when the present secretary of mines proposed to reduce the mine inspections; and I can prove that we have mines in two counties, over one thousand small coal mines, have not been inspected; and now you are asking us to have some mine inspectors, who are now over-burdened with work, to lose more days to sit in some community to certify coal miners. I see no reason for it and I think it is unfair. It is Ripper No. 1. Keep that in mind, and I assure you that you shall, regret your action if you vote on this bill.

Mr. DENT. Mr. President, this bill is another piece of kindling on the labor bonfire of Pennsylvania. These boards Mr. President were set up at the request of the miners of the State of Pennsylvania. They signified their willingness to pay what ever the cost might be in order that a certificate could be granted to the coal miners in the State of Pennsylvania, in the bituminous fields. Now we find that against the wishes of the men who pay in an enormous sum of money to the Department of Mines—and, by the way, that sum of money is not yet expended—against the wishes of these men we find that a new piece of legislation is on the calendar today to rip out the boards set up as they asked them to be set up.

There is no agitation on the part of the employers for this board change; there is no agitation on the part of the miners, who are the people directly affected by this legislation; no, the agitation comes from a Secretary of Mines, who has been in office a mere matter of three or four months. The argument put forth that this will give more miners positions on the examining boards does not make sense. On the three boards in existence today there are nine members, all of whom are miners. Under the set-up to be set up according to this bill there will be seventy-five men, twenty-five of whom are miners, and if I am not mistaken that puts them in a minority.

As I said before, this is a self-sustaining system they have in the anthracite. The argument in the anthracite was they were only paid three dollars a day, and they must earn their fee. I offered to the committee amendments to the proposition, stating that the members on the bituminous boards be compelled to earn their fees. This is not a fee proposition, it is not a money making proposition, it is only justice to the men to be certified.

We come in here and we make up a medical board and put medical men on it; we too have an attorneys' board and we put attorneys on that board—the Bar Association. We go into any professional board of control and we put men in that profession on the board. Now you say this to the coal miners of Pennsylvania, and I want to say here fairly and squarely this is another piece of kindling on the bonfire of labor legislation, and that is all it can be termed, and I do not care how you get around it. The commission should be miners, the miners are paying for it, and when it come to the argument they can not see enough people let it be understood they served one hundred twenty odd thousand miners in the State of Pennsylvania last year; you conferred on the Secretary of Mines the right to establish the number of days they could work one or two days a year, whatever time is required. All we ask, in fairness to the men to be certificated, is that the men be judged by their own peers, by the miners themselves, and not by a superintendent of mines, not by an inspector of mines who is a direct employee of a state department. I say to you gentlemen you gain nothing by passing this legislation except to serve the whim of a Secretary of Mines and Mining who has already stated this legislation must pass, and so probably it will.

However, let us take up the argument offered by my good friend the Senator from Clearfield, Mr. Letzler. In these days of automobile travel we possess automobiles, and the mere matter of traversing fifteen or twenty miles is not anything. I travel down here every week, and in many instances I drive to Harrisburg and back in the same day, and I think my home is 182 miles from here. That is not the question, traveling fifteen or twenty miles is not a matter to be overcome by legislation such as this. This legislation, in plain words, is giving to the miner something he does not want. It seems to me to be the attitude that we, in the Democratic Administration, gave too much to labor; and so I say to you, in the Republican Administration, you give too little to labor.

Mr. CAVALCANTE. Mr. President, the gentleman from Cambria, Mr. Haluska, invited our colleagues from the other side of the floor to explain to him the provisions of this act. We can read the act ourselves, we understand the English language, we know what is contained in the act. We know that, we know what the act does; but what is of vital interest here, and probably amusing, is the purpose of the act.

Why do you not do the things the act provides? Why is that act? Why is that asked for? I was amused when the gentleman from Clearfield, Mr. Letzler, was asked by the gentleman from Cambria, Mr. Haluska, and he advanced the argument that this bill is intended to help the coal miner. Now, I may say that if we were children here and were not prudent men, did not have prudent and intelligent minds, probably that argument would be convincing and persuasive, but I say to the gentleman from Clearfield that the argument is merely a red herring across the trail of the real purpose. Let us tear the mask off. There is no use of acting like children. The purpose back of this act is very plain; the purpose of it is to control the discretion of those who will sit as a board giving out the certificates.

It is true that an honest confession is good for the soul. I am ready to confess here on the floor of the Senate that when this miner's certificate law was passed it was passed specifically for the coal miners; the operator was not given much consideration because we reasoned the miners them-

selves, the men who go down into the mines and with their hands, and with their picks, tear out the coal from the bowels of the earth, the men who sacrifice their limbs and their bodies to dig the coal out, that they themselves should be the judges of who is competent to go down in the mine and, side by side with them, endanger their lives to dig out the coal. Now, that is an honest confession to make.

The miner's certificate bill was passed specifically for the coal miners, and in providing for the appointment of boards they were given primary consideration, much to the chagrin of the employer, who wanted to sit on the board to pass upon the qualications of the coal miner. He was eliminated.

Now, let us tear off the mask. The purpose of this bill is to give to the coal operator—not the coal miner—the control of those boards so that the employer will control the agency that gives out the certificates. Why be childish about it? Why try to explain and try to argue that purpose away by a red herring across the trail? Let us be candid and sincere. What you intend to do is to give the operators control over the agency that gives out the certificates; and why argue about your having agreed to introduce a bill that will help the coal operators? Who sits as the agency that gives out the certificates?

First you put that in the hands of the inspectors. Well, I say to you fair-minded gentlemen, go over to the Department of Mines and look over the list of inspectors and see how they have been appointed in the past. You will find specific cases where men of high character, of high abilities, have passed the mine inspectors' examination and were first on the list, but because of politics and because of utility to the coal operators who control the destinies of the state in the coal industry, you passed over those who were entitled to be appointed and you went down to the bottom of the list. That is factual, those are facts, that is history. Go over to the Department of Mines and you will find that out.

On second thought, then, you struck that out, and you are now making the certificating agency the mine foreman's examining board. Well, who are they? How do they come into existence? Who controls them?

Gentlemen, do not be children. This is, indeed, as the gentleman from Westmoreland has said, a part of Governor James's bonfire. It is a part of the scheme to turn back the hands of time and put into the hands of the operators the control of those boards; and, indeed, I am amased at some of those who come from the anthracite region, who know the kind of certificate law they have there, they know the structure of that law, yet they will deny to their brother miners in the bituminous region the same consideration that they have received at the hands of the General Assembly.

Over in the hard coal region, in the Antharcite region, the miners' examining boards are appointed by the courts, and if they do not appoint the proper ones, when the judges come up for election they are defeated on that score.

The miners have some control, but who has control over the appointments of the men forming these examining boards, gentlemen? Who are they? Now, tear off the mask. Tell us the truth.

The purpose of this act is to place in the hands of coal operators the control of the boards which will issue certificates; just the same as in the past administration, when we had control, we placed that power in the hands of the coal miners themselves; but you are reversing that, you are placing it in the hands of the coal operators.

And the question recurring,

Shall the bill pass finally?

Mr. FREY. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. It will be so recorded.

Mr. HALUSKA. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The Clerk will verify the affirmative votes.

These voting in the affirmative were as follows: Messrs. Bartlett, Chapman, Crowe, Dando, Deitrick, Ealy, Edmonds, Eroe, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Mundy, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden and Woodward.

Mr. JASPAN. Mr. President, I did not vote "aye."

The PRESIDENT. You are not so recorded. You are recorded as voting "no."

Are there any corrections in the affirmative vote as verified? The Chair hears none. The affirmative vote will stand as verified.

Those voting in the negative were as follows: Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Frey, Gilson, Haluska, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Reed Rice, Ruth, Shapiro, Sipe and Stiefel.

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Eroe,	Letzler,	Snowden,
Chapman,	Farrell,	Mallery,	Stevenson,
Crowe,	Gelder,	Miller,	Tallman,
Dando,	Geltz,	Mundy,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward.

NAYS—19

Cavalcante,	Gilson,	Lanius,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

BILL ON FINAL PASSAGE

Mr. WALKER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 936, (House Bill No. 673), on Page 3 of the Calendar, that just went over in its order.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 936, (House Bill No. 673), as follows:

An Act to amend subsection (6) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations

companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Common Carrier by Motor Vehicle" persons or corporations who furnish transportation of school children exclusively H of transportation of certain materials in dump trucks

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (6) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any person or corporation who or which provides or furnishes transportation of school children exclusively or (c) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish excavated and road construction materials

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I have received a number of complaints from truck owners on this bill, who complained that this is a bill which gives preference to some truck owners and not to others. I think if this keeps up that story of little by little and bit by bit will apply, and there will be no more public utility supervision.

Here is a bill which started out as a bill to take out of the jurisdiction of the commission the transportation of school children. Now they have tacked on dump trucks. Now if the dump truck carries material that may be used in building construction, that is exempted, and that same truck when it carries something else it is not exempt. I think it is a ridiculous position.

Mr. WALKER. Mr. President, the amendment is not

as ridiculous as the gentleman from Philadelphia, Mr. Shapiro, would have you think. Last night this measure was amended, and the amendments will be found on page six of the bill. The original amendment was an attempt to re-define the trem "common carrier" and the execptions were all included in one bill so there would not be a series of bills going through the legislature, defining "common carrier by motor vehicle".

In this definition of common carrier there are a number of exemptions, and the exemption originally put in there for dump trucks was too wide and would permit dump truck operators to transport freight, and that, of course, was objectionable to the certificated carriers.

The amendment as it now stands simply exempts the term common carrier by motor vehicle dump trucks used for the transportation of ashes, rubbish, excavated and road construction materials."

Mr. PRESIDENT, that is the definition of the wording used by the Bureau of Public Convenience of the Public Utility Commission, in granting specific dump truck certificates for that type of work.

This amendment has been submitted to the Common Carrier Association, and they have approved it. It is not ridiculous, it is as simple as we can make it.

And the question recurring,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

NAYS—20

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 251, (House Bill No. 140), entitled:

An Act to amend section one of the act approved the second day of June one thousand nine hundred and seventeen (P. L. 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in surburban and similar districts in all cities and boroughs

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Farrell,	Letzler,	Snowden,
Chapman,	Gelder,	Mallery,	Stevenson,
Crowe,	Geltz,	Miller,	Tallman,
Dando,	Gilson,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Edmonds,	Homsher,	Ruth,	Woodward,
Eroe,	James,	Scarlett,	

NAYS—19

Cavalcante,	Frey,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Mundy,	Stiefel,
Ealy,	Kunkel,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and considertion of Senate Bill No. 288, (House Bill No. 474), entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Edmonds,	James,	Snowden,
Cavalcante,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,

NAYS—19

Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 384, (House Bill No. 349), entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Farrell,	Kunkel,	Scarlett,
Chapman,	Frey,	Letzler,	Shapiro,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	Miller,	Tallman,
Deitrick,	Heyburn,	Mundy,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—11

Cavalcante,	Haluska,	McGinnis,	Sipe,
Dent,	Kilgallen,	Reed,	Stiefel,
Eroe,	Lanius,	Ruth,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 393, (House Bill No. 298), on third reading, entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 416, on third reading, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school Boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisition for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and muncipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. EALY. Mr. President, I move that further consideration of Senate Bill No. 426, (House Bill No. 250), on third reading entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contribution by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public

school employes exempting annuities allowances return benefits and rights from taxation and judicial and providing penalties" as amended by further extending the time for present employes as defined in the act to elect to be covered by the retirement system

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 439, (House Bill No. 300), on third reading, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

go over in its order.

The PRESIDENT. Is there objection The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 520, (House Bill No. 299), on third reading, entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 584, entitled:

An Act to repeal section two of the act approved the first day of April one thousand seven hundred and ninety-seven (3 Smith's Laws 294) entitled "An act to regulate the manner of selling loaf bread and to repeal certain existing laws respecting the same"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Cavalcante,	Eroe,	Lanius,	Reed,
Chapman,	Farrell,	Letzler,	Ruth,
Crowe,	Gelder,	Mallery,	Scarlett,
Dando,	Haluska,	McCreesh,	Sipe,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	James,	Owlett,	Wolfenden,
DiSilvestro,	Kilgallen,	Pierson,	Woodward,
Ealy,			

NAYS—17

Bartlett,	Gilson,	Mundy,	Stevenson,
Coleman,	Jaspan,	Rice,	Stiefel,
Edmonds,	Kunkel,	Shapiro,	Thomas,
Frey,	McGinnis,	Snowden,	Walker,
Geltz,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HOMSHER, Mr. President, I ask unanimous consent that Senate Bill No. 625, (House Bill No. 680), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 746, on third reading, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal, special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" further regulating the appointment of overseers the nomination of candidates for special elections the nomination of substituted candidates giving instructions to voters time allowed for voting and the payment of certain contributions for primary and election expenses and prescribing the affect of contest proceedings pending final decisions thereon

be recomitted to the Committee on Elections for the purpose of further study.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to oredr,

The Senate proceeded to the third reading and consideration of Senate Bill No. 814, entitled:

An Act to amend section four of the act approved the thirty-first day of May one thousand nine hundred thirty-three (P. P. 1116) entitled "An act for the protection of

the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" by making unlawful the selling of ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice for resale to any purchaser not having cabinets cans or other containers exclusively to preserve or hold the same

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—13

Chapman,	Ealy,	Heyburn,	Pierson,
Crowe,	Edmonds,	Mallery,	Scarlett,
Dando,	Farrell,	Owlett,	Snowden,
Deitrick,			

NAYS—34

Bartlett,	Gilson	McCreesh,	Sipe,
Cavalcante,	Haluska,	McGinnis,	Stevenson,
Coleman,	Homsher,	Miller,	Stiefel,
Dent,	James,	Mundy,	Tallman,
DiSilvestro,	Jaspan,	Reed,	Thomas,
Eroe,	Kilgallen,	Rice,	Walker,
Frey,	Kunkel,	Ruth,	Wolfenden,
Gelder,	Lanius,	Shapiro,	Woodward,
Geltz,	Letzler,		

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

BILL OVER IN ORDER

Mr. LETZLER, Mr. President, I ask unanimous consent that Senate Bill No. 850, on third reading, entitled:

An Act to repeal the act approved the third day of April one thousand eight hundred and sixty-eight (P. L. 639) entitled "An act relative to the compensation of the treasurer of Centre county the safe keeping of the county funds et cetera"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 855, entitled:

An Act to further amend subsection A of section three hundred and two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15—1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation, importation traffic in and use of alchohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of personnel where no person on eligible list has resided in a district required length of time

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, I desire to be recorded as voting "aye".

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Eroe.	Letzler,	Snowden,
Chapman.	Farrell,	Mallery,	Stevenson,
Crowe,	Gelder,	McGinnis,	Tallman,
Dando,	Geltz,	Miller,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy.	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,

NAYS—19

Cavalcante,	Gilson	Lanius,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 859, on third reading, entitled:

An Act to amend section three hundred and seven of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the producton, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weight, measure sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and pro-

ducers, requiring the keeping of records and the filing of reports by milk dealers and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulation and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," removing the requirements that the Governor approve rules, regulations and orders issued by the commission.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 881, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 881.

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which this bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye."

Mr. HEYBURN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HEYBURN. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. HEYBURN. Mr. President, I second the motion.

Sections two and one of the bill were severally reconsidered.

The first section of the bill was read as follows:

Section 1 The Secretary of Forests and Waters with the approval of the Governor is hereby authorized to acquire in the name of the Commonwealth by gift grant or other lawful means the right title and interest of the owners in and to all property constituting the entire system of any canal or canals located wholly within this Commonwealth whose use as highways for transportation by water has ceased or been abandoned or shall cease or become abandoned together with such real estate adjacent to such canal as the Secretary of Forests and Waters may deem desirable Provided however That no consideration shall be paid to the owner or owners of such property for the whole or any parts thereof for any grants that may be made under the provisions of this act except with the approval of the Governor

On the question,

Will the Senate agree to the section?

Mr. JAMES. Mr. President, I move to amend Section 1, page 2, line 3, by striking out at the end of the line the words; "except with"; amend Section 1, page 2, by strik-out all of line 4.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 The Secretary of Forests and Waters shall supervise maintain improve regulate police and preserve all such property so acquired as and for state park purposes

The title of the bill was read as follows and agreed to:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

And said bill as amended having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 882, (House Bill No. 781), on third reading, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I think Senate Bill No. 882 should go over in its order, and I would like to state that we are going to get further information on the bill tomorrow, because it is a bill which is very much misunderstood by a number of people.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 923, (House Bill No. 1266), entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania

And said bill having been read at length the third time and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Frey,	Lanius,	Ruth,
Chapman,	Gelder	Letzler,	Scarlett,
Crowe,	Geltz,	Mallery,	Shapiro,
Dando,	Gilson,	McCreesh,	Sipe,
Deitrick,	Haluska,	McGinnis,	Snowden,
Dent,	Heyburn,	Miller,	Stevenson,
DiSilvestro,	Homsher,	Mundy,	Stiefel,
Ealy,	James,	Owlett,	Tallman,
Edmonds,	Jaspan,	Pierson,	Thomas,
Froe,	Kilgallen,	Rice,	Wolfenden,
Farrell,	Kunkel,		

NAYS—5

Cavalcante,	Reed,	Walker,	Woodward,
Coleman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 950, (House Bill No. 737), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to emply an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of districts superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

And said bill having been read at length the third time and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 969, (House Bill No. 1036), on third reading, entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificates for whiskey or any other potable, distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding tranactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. FARRELL. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 416, on page 6, that went over in order.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 416, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provisions for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Geltz,	Miller,	Snowden,
Coleman,	Gilson,	Owlett,	Stiefel,
Crowe,	Homsher,	Pierson,	Tallman,
Dando,	James,	Reed,	Thomas,
DiSilvestro,	Jaspan,	Rice,	Walker,
Edmonds,	Letzler,	Ruth,	Wolfenden,
Farrell,	Mallery,	Scarlett,	Woodward,
Gelder,	McCreesh,		

NAYS—13

Cavalcante,	Frey,	Kilgallen,	McGinnis,
Chapman,	Haluska,	Kunkel,	Mundy,
Dent,	Heyburn,	Lanius,	Sipe,
Eroe,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EROE. Mr. President, I ask unanimous consent that Senate Bill No. 982, on third reading, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing the board to issue permits for certain nets making it unlawful to make sell or possess certain nets and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. MALLERY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 311, on page 1 of the Calendar, that went over in its order.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 311, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring funding and refunding of indebtedness temporary and permanent the issuing of bonds by school districts the retirement of indebtedness and the borrowing in anticipation of current revenues

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Gelder,	Mallery,	Scarlett,
Chapman,	Geltz,	McCreesh,	Shapiro,
Crowe,	Gilson	McGinnis,	Snowden,
Dando,	Heyburn,	Miller,	Stevenson,
Deitrick,	Homsher,	Mundy,	Tallman,
Ealy,	James,	Owlett,	Thomas,
Edmonds,	Jaspan,	Pierson,	Walker,
Eroe,	Kunkel,	Rice,	Wolfenden,
Farrell,	Letzler,	Ruth,	Woodward,

NAYS—11

Cavalcante,	DiSilvestro,	Kilgallen,	Sipe,
Coleman,	Frey,	Lanius,	Stiefel,
Dent,	Haluska,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 831, (House Bill No. 519), on third reading, postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 831, (House Bill No. 519), entitled:

An Act to amend paragraph six of section two of the act of June seventh one thousand nine hundred one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violations thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Eroe,	Jaspan,	Shapiro,
Chapman,	Farrell,	Letzler,	Snowden,
Coleman,	Gelder,	Mallery,	Stevenson,
Crowe,	Geltz,	Owlett,	Tallman,
Dando,	Gilson,	Pierson,	Thomas,
Deitrick,	Haluska,	Rice,	Walker,
DiSilvestro,	Heyburn,	Ruth,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

NAYS—11

Cavalcante,	Kilgallen,	McGinnis,	Sipe,
Dent,	Kunkel,	Miller,	Stiefel,
Frey,	McCreesh,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. GELTZ. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 424, on Page 7 of the Calendar, that went over in its order.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No 424, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the constructior of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing

certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Heyburn,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,
Edmonds,	Letzler,		

NAYS—21

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey.			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

RECALLING NOMINATION FOR REAPPOINTMENT AS MEMBER OF MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania;

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on March 20, 1939, for the reappointment of Mrs. Myrtle L. Allen, Sharon, as a member of the Mercer County Board of Assistance.

ARTHUR H. JAMES.

Mr. EALY. Mr. President, yesterday in a communication from the Governor's office the Governor requested the return of the nomination of Mrs. Myrtle L. Allen, of Sharon, as a member of the Mercer County Board of Assistance.

NOMINATION RETURNED TO THE GOVERNOR

Mr. EALY. Mr. President, I move that the nomination by the Governor of Mrs. Myrtle L. Allen, of Sharon, as a member of the Mercer County Board of Assistance, be returned to the Governor in accordance with his request.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS MEMBER OF MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania;

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Mrs. Minnie Hilderbrand, of Sharon, for appointment as a member of the Mercer County Board of Assistance, until December 31, 1939, and until her successor is duly appointed and qualified, vice Mrs. Myrtle L. Allen, whose nomination has been recalled.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF ADAMS COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania;

In conformity with law, I have the honor to nominate for the advice and consent of the Senate James B. Aumen, Gettysburg, Adams County, for appointment as a member of the Adams County Board of Assistance, to serve until December 31, 1940, and until his successor is duly appointed and qualified, to fill the vecancy caused by the revocation of the commission of James A. Aumen.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF LYCOMING COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania;

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Mrs. Marjorie Nicholson, Muncy, Lycoming County, for appointment as a member of the Lycoming County Board of Assistance, to serve until December 31, 1940, and until her successor is duly appointed and qualified, to fill the vecancy caused by the revocation of the commission of Mrs. Grace Nicholson.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 16, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into

Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. Will the Senate advise and consent to the nomination of Mrs. Minnie Hilderbrand, as Member of the Mercer County Board of Assistance?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The PRESIDENT. Will the Senate advise and consent to the nomination of James B. Aumen, for appointment as member of the Adams County Board of Assistance?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The PRESIDENT. Will the Senate advise and consent to the nomination of Mrs. Marjorie Nicholson, for appointment as a member of the Lycoming County Board of Assistance?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stevenson,
Dando,	Haluska,	Mundy,	Stiefel,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. FREY. Mr. President, I would like to interrogate the Chairman of the Committee on Executive Nominations, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. FREY. Mr. President, concerning the Public Assistance Board for Allegheny County, has the name of J. Steel Gow, which was sent here for confirmation, been withdrawn by the Governor's office, or has it not?

Mr. EALY. Mr. President, I have not been notified of the withdrawal, if such has been done.

Mr. FREY. Mr. President, so that we will not experience any difficulty when this board comes up for confirmation, I desire to make a statement, particularly for the benefit of the Chairman of the Committee on Executive Nominations. In personal conversation with Mr. J. Steel Gow he has informed me of his inability to serve as a member of the board and quite some time ago he requested the Governor's office to withdraw his name.

I think the Chairman of the Committee on Executive Nominations should take the matter up with the Governor's office, so that there will be no delay when that board comes up for confirmation.

Mr. EALY. Mr. President, the confirmation of notaries public have not been acted upon. I ask that those nominations be now read.

The PRESIDENT. Will the Senate advise and consent to the nomination of the Notaries Public?

The Clerk will read the Notaries Public:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governors, Office, Harrisburg, May 16, 1939.

To the Honorable, the Senate of the Comonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Lyal Bish, Pittsburgh, 262 Frick Bldg. Annex.

DELAWARE COUNTY

George E. Gray, Prospect Park.
Albert S. Shaw, Darby.

LANCASTER COUNTY

Lester B. Fiester, Lancaster.
Wm. S. Harris, Jr., Adamstown.

LEHIGH COUNTY

Mrs. Henrietta E. Sanders, Allentown.

LUZERNE COUNTY

Leon Wazeter, Wilkes-Barre.

NORTHAMPTON COUNTY

Robert E. Brown, Bethlehem.

PHILADELPHIA COUNTY

Charles J. Andrilla, 724 Wharton Street, Philadelphia.
Mrs. Lillian D. Blumenstein, 1133 S. Broad Street, Philadelphia.
Carl F. Class, 4th., 1632 Chestnut St., Philadelphia.
Miss Emily Logue. 708 Market St., Nat'l Bldg., Market and Juniper Streets, Philadelphia.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Caroline P. Muntz, 603 Baer Building, 529 Court Street, Reading, Berks County, for re-appointment as a Notary Public, for the term of four years to compute from May 19, 1939.

ARTHUR H. JAMES

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Letzler,	Scarlett,
Cavalcante,	Gelder,	Mallery,	Shapiro,
Chapman,	Geltz,	McCreesh,	Sipe,
Coleman,	Gilson,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Deitrick,	Heyburn,	Mundy,	Stiefel,
Dent,	Homsher,	Owlett,	Tallman,
DiSilvestro,	James,	Pierson,	Thomas,
Ealy,	Jaspan,	Reed,	Walker,
Edmonds,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,
Farrell,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 851, on third reading postponed for the present.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 851, entitled:

An Act to amend section twenty-five of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the consolidation of the third class city general registers with the general register of boroughs, towns, and townships of the county.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MILLER. Mr. President, I ask unanimous consent to amend section 1, page 3, by striking out in lines 5, 6 and 7 the following: "with the duplicate registration cards of all other third class cities and all boroughs, towns and townships within the county."

Amend section 1, page 3, line 9, by inserting after the word "safeguarded" the following:

S "In any county where the registration cards of the cities are of the same type as those used in the boroughs, towns and townships and in the opinion of the commission can be consolidated into one duplicate registration it shall be the duty of the commission to place the duplicate registration cards for all cities and all boroughs, towns and townships in exact alphabetical order which shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded."

Amend section 1, page 3, line 10 by inserting after the word "of" the following:

S "the city or the general register of."

Amend section 1, page 3, line 11, by inserting after the word "townships" the following:

S "as the case may be."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agree to.

Ordered, That said bill as amended be printed for the use of the Senate.

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 852, on third reading postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 852, entitled:

An Act to amend section twenty-four of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and pri-

maries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissoners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commisisoners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public untility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for consolidation of all third class city general registers with the general register of the boroughs, towns, and townships of the county.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MILLER. Mr. President, I ask unanimous consent to amend section 1, page 3, by striking out in lines 6, 7 and 8 the following: "with the duplicate registration cards of all third class cities within the county".

Amend section 1, page 3, line 10 by inserting after the word "safeguarded" the following:

S "In any county where the registration cards of the boroughs, towns and townships are of the same type as those used in the cities and in the opinion of the commission can be consolidated into one duplicate registration it shall be the duty of the commission to place the duplicate registration cards for all boroughs, towns and townships and all cities in exact alphabetical order which shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded."

Amend section 1, page 3, line 11 by inserting after the word "of" the following:

S "the boroughs towns and townships or of"

Amend section 1, page 3, line 12 by inserting after the word "county" the following:

S "as the case may be."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Mr. HOMSHER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 709, (House Bill No. 563), on third reading postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 709, (House Bill No. 563), entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Comonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent to amend sec. 1, page 2, lines 1 and 2, by striking out with heavy-faced brackets the words S "Sections eight, ten and clause (a) of section fourteen" and insert in lieu thereof Section eight.

Amend sec. 1, page 2, line 12, by striking out with heavy-faced brackets the word S "are" and insert in lieu thereof is.

Amend bill, page 3, by inserting between lines 15 and 16, the following sections:

S Section 2. Said act is hereby amended by adding after section eight, a new section to be known as 8.1, to read as follows:

Section 8.1 The board shall revoke the license of any corporation or licensed undertaker associated with or employed by it, where such corporation does not have all of its officers duly licensed undertakers actively engaged in the conduct of the business of the said corporation: Provided, That this requirement shall not apply to any corporation which, at the time of its formation, was not subject to such limitation.

Section 3. Section ten and clause (a) of section fourteen of said act, as amended by said amending act, are hereby further amended to read as follows:

The PRESIDENT. Is there objection. The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

REPORT FROM COMMITTEE

Mr. EDMONDS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on Judiciary General, reported as amended, Senate Bill No. 776, (House Bill No. 389), entitled:

An Act to consolidate, amend and revise the penal laws of the Commonwealth.

BILLS ON SECOND READING

Mr. DENT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 626 (House

Bill No. 710), on second reading postponed for the present.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 626, (House Bill No. 710), entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys

The first section of the bill was read as follows:

Section 1 Any person not a member of the bar of a court of record of this Commonwealth who shall solicit or procure through solicitation a retainer power of attorney or any agreement written or oral authorizing an attorney to perform or render legal services or who shall solicit any person in this State to institute any suit for damages in which the compensation of any attorney for instituting or prosecuting such suit shall directly or indirectly depend upon the amount of the recovery therein shall be guilty of a misdemeanor and upon the conviction thereof shall be punished by a fine of not more than two hundred dollars ($200) or imprisonment for not more than two (2) years

On the question,

Will the Senate agree to the section?

Mr. DENT. Mr. President, I move to amend page 2, line 5, by adding a new section as follows: Section 2 "The foregoing shall not prohibit any bona fide labor organization from giving legal advice to its members in matters arising out of their employment".

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 This act shall become effectively immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. DENT. Mr. President, I move to amend page 2, line 5, by striking out the figure 2 and inserting in lieu thereof the following: "3."

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act relating to unlawful practices in the procurement of retainers for attorneys.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, I am not going to object to the amendments, but I think they finish the bill absolutely.

Mr. DENT. No, Mr. President, they do not do any such thing.

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 442, (House Bill No. 470), on second reading, postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 442, (House Bill No. 470), entitled:

An Act to amend sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance upon change of residence from borough town or township to a city of the third class in the same county and authorizing the registration commission to amend the registers for such boroughs towns townships and cities accordingly and changing time for filing removal notice within same district

The first section of the bill was read as follows:

Section 1 Sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county elections boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" are hereby amended to read as follows

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of electors who are registered either in the city or in any borough town or township within the county These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address or the borough town

or township and the election district therein from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register for such city or for the borough town or township of his previous residence each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election

Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to a location in the city from an election district in a borough town or township within the county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come as filed in the general and district registers of the election district of his previous residence and if the signature shall appear authentic shall enter the change of residence on his registration cards and if the removal shall have been made two months or more next preceding an election or primary shall transfer the registration card of the elector from the general register of the county to the general register of the said city and the registration card from the district register of the election district of his previous residence in the borough town or township to the district register of the election district of his new residence in the city If such request for transfer shows a removal within the period of two months next preceding an election or primary the commission shall transfer the registration card of the elector from the general and district registers of his previous residence but shall not include them in the general and district registers of his new residence in the city until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

[(c)] (b) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

[(d)] (c) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar in any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend Section 1 (Section 28), page 6, line 15, by striking out with heavy-faced brackets the words SC "general and"

Amend Section 1 (Section 28), page 6, line 17, by striking out with heavy-faced brackets the words SC "general and".

Mr. THOMAS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. OWLETT. Mr. President, I also, move to amend Section 1, page 5, line 26, by inserting after the word "commission" the following: "if it has previously determined by resolution that the personal registration system for the city and the system for the boroughs towns and townships are so set up that registration cards of one system may be used for the other system".

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An act to amend sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utilty corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a borough town or township to a city of the third class in the same county and authorizing the registration commission to amend the registers for such boroughs towns townships and cities accordingly and changing time for filing removal notice within same district

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. MILLER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 623, (House Bill No. 553), on second reading postponed for the present.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 623, (House Bill No. 553), entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thou-

and nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district

The first section of the bill was read as follows:

Section 1 Sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" are hereby amended to read as follows

Section 26 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of electors who are registered in any borough town township or city of the third class within the county These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the borough town or township the street or road and number if any of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the city borough town or township the street or road and number if any of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register for the city borough town or township in which he was last registered Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election

Section 27 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to a location in any borough town or township from any city of the third class within the county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come as filed in the general register and district registers of the election district of his previous residence in such city and if the signature shall appear authentic shall enter the change of residence of his registration cards and if the removal shall have been made two months or more next preceding an election or primary shall transfer the registration card of the elector from the general register of the said city to the general register of the county and the registration card from the district register of the election district of his previous residence in said city to the district register of the election district of his new residence in the borough town or township If such request for transfer shows a removal within the period of two months next preceding an election or primary the commission shall transfer the registration cards of the elector from the general and district registers of his previous residence but shall not include them in the general and district registers of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(b) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(c) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend sec. 1 (Sec. 27), page 6, line 16, by striking out with heavy-faced brackets the words SC "general and;" amend sec. 1 (Sec. 27), page 6, lines 17 and 18, by striking out with heavy-faced brackets the words SC "general and"

Mr. THOMAS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. OWLETT. Mr. President, I, also, wish to amend section 1, page 5, line 27 by inserting after the word "commission" the following: S "if it has previously determined by resolution that the personal registration system for the boroughs, towns and townships and the system for the city are so set up that registration cards of one system may

be used for the other system;" amend Section 1, Page 6, Line 21, by inserting bracket before the word "whenever"

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollments as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 862, (House Bill No. 845), on second reading, postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 862, (House Bill No. 845), on second reading, entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

be recommitted to the Committee on State Government for the purpose of amendment.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. MUNDY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 843, on second reading, postponed for the present.

Mr. GILSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. MUNDY. Mr. President, I move that Senate Bill No. 843, on second reading, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health establishing a Dairy Advisory Council in the Department of Health conferring powers and imposing duties thereon defining certain qualities for milk providing for inspection of and standards for dairy farms and milk plants providing for the administration of the Act and the establishment of rules and regulations thereunder and for appeals to the Court of Common Pleas of Dauphin County therefrom and imposing penalties and repealing certain acts and parts thereof

be recomitted to the Committee on Public Health for the purpose of further study.

Mr. GILSON. Mr. President, I second the motion.

The motion was agreed to.

CORRECTION OF THE CALENDAR

Mr. CAVALCANTE. Mr. President, as to the first bill on page 14 of today's calendar, under the heading "Bills on Third Reading Postponed", I wish to correct an error in the Calendar, and it is with reference to Senate Bill No. 267, (House Bill No. 449).

If the clerks will check up on their Calendar readings of last night, they will find that I called that bill from the postponed Calendar and then moved that it go over in its order; and I find that it is still on the postponed calendar.

The PRESIDENT. The statement of the Senator from Fayette, Mr. Cavalcante, is correct.

The Senator from Fayette, Mr. Cavalcante, has called attention to the fact that Senate Bill No. 267, (Printer's No. 61), was, by error, placed under the heading, "Bills on Third Reading Postponed" on Page 14, of today's Calendar. It should be on the third reading Calendar.

What is the pleasure of the Senate?

Mr. OWLETT. Mr. President, I suggest that the correction be noted, and that Senate Bill No. 267, take its place on tomorrow's Third Reading Calendar.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 523, (House Bill No. 664) on second reading, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 648, as follows:

An Act to further amend section one of the act approved the nineteenth day of June one thousand nine hundred eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nineteenth day of June one thousand nine hundred eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by the act approved the seventh day of May one thousand nine hundred twenty-five (Pamphlet Laws 554) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person shall be convicted in any court of this Commonwealth of any crime except murder of the first degree and where the said court believes that the character of the defendant and the circumstances of the case such that he or she is not likely again to engage in an offensive course of conduct and that the public good does not demand or require that the defendant should suffer the penalty imposed by law the said court shall have power to place the defendant on probation for a definite period on such terms and conditions including the payment of money for the use of the county not exceeding however the fine fixed by law for conviction of such offense as it may deem right and proper said terms and conditions to be duly entered of record as a part of the judgment of the court in such case No such condition for the payment of money shall be considered as the imposition of a fine or a sentence nor prevent the court from thereafter sentencing any defendant under the act under which he or she was convicted upon violation of his or her parole

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 995, entitled:

An act requiring newspapers published in this Commonwealth to print on the editorial page the names of the owners proprietors or publishers and the managing editors of the same and providing a penalty

The first section of the bill was read as follows:

Section 1 Every newspaper published in this Commonwealth whether published monthly weekly bi-weekly semi-weekly or daily or whether such publication is at regular or irregular intervals shall publish on the editorial page in a conspicuous position at the top of the reading matter the name of the owner or proprietor of such newspaper together with the name of the managing editor thereof If said newspaper is owned or published by a corporation then the name of the corporation shall be published together with the name of the president and managing editor thereof and if the said newspaper is owned or published by a partnership or partnerships limited then the names of the partners and the managing editor shall be published in like manner

On the question,

Will the Senate agree to the section,

Mr. CAVALCANTE. Mr. President, I move to amend Page 1, Section 1, line 11 by inserting after the word "editor" and before the word "thereof" the following:

"and the person or persons (if five or less in number) or any corporation or corporations owning or controlling, directly or throught any person or corporation, a majority of the voting capital stock"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. CHAPMAN. I object, Mr. President.

Mr. OWLETT. Mr. President, I ask that the Senate vote down the amendments.

Mr. CAVALCANTE. Mr. President, I am certain that neither the gentleman from Tioga, Mr. Owlett, nor the gentleman from Warren, Mr. Chapman, know what is in the amendment.

Mr. OWLETT. Mr. President, I heard it read.

Mr. CAVALCANTE. Mr. President, even if the gentleman from Tioga heard them read I doubt whether he knows what is in them—and I am not looking at the newspaper reporters, and I do not care whether they are here in the hall or not. The action on the bill now is all right so far as the private ownership of a newspaper is concerned or a partnership or a firm. The act requires that the owner's name be printed on the editorial page, but when it comes to corporations it departs from that principle and in the corporation it only requires the name of the corporation and of the president and the managing editor; and everybody knows the president of a corporation is not the man who controls the policies of the corporation, but it is the people who own the voting stock; and if a person owns the controlling stock, or a majority of the stock, he is the one that controls the policies of that paper, and there is no use of joking about that.

I know who the people are that do not want their names on the editorial pages of the paper. It is the people who control the policies of the paper: Now, some members of this Senate will take the attitude that the purpose of this bill is merely to put the name of the corporation on the newspaper for the sole purpose of giving people warning who might want to use the paper for libel, for printing libels in the paper; but I say to you that the object of this kind of legislation goes further than that.

The people of this Commonwealth ought to know who controls the policies of the paper, whose opinions, whose ideas, are being printed; and mark you this—the very specific purpose why I think this amendment ought to

be adopted is this: all of us are of the opinion, every good American is of the opinion, that the President of the United States ought to guard the statements that he makes concerning a foreign country, so that he might not entangle us in difficulties with foreign countries; and if we demand that, gentlemen, from the Chief Executive of our Nation, why should not we demand that from the groups of men who control the press and who form public opinion? Why should not we know who the people are who will attack foreign governments which are absolutely at peace with our country; make statements that are intended to inflame the public mind and turn the odium of this nation against these foreign countries?

Now, how can we know who the people are that control the policies of the newspapers unless we know the ones who control the ownership, who control the stock—the majority voting stock that elects officers—the president and the managing editor? Why, it is very simple for one or two fellows, who own the majority of the voting stock, to name as the president someone else, some individual who might not be very responsible in the statements he makes concerning foreign governments; and yet the real power behind the throne, the man who controls a majority of the voting stock, never appears on the editorial page.

Those are the gentlemen that this bill will protect, and I have offered these amendments for the purpose of getting on the editorial page a number of individuals, or a group of individuals—five or less—who own the majority voting stock of that newspaper corporation.

Now, there is nothing wrong with that amendment, if you are sincere about wanting a good piece of legislation adopted here to accomplish something that is very desirable here at this time in the State and in the whole nation, you will vote for my amendment.

Mr. EDMONDS. Mr. President, I sympathize with the gentleman from Fayette, Mr. Cavalcante in his intense desire for peace and his hope that the United States will not get involved in foreign entanglements, but it seems to me that this amendment is not germane to the purpose of this bill. This is a registration bill to a certain extent It requires that the president of a corporation, or the proprietor, if it is an individual proprietor, or the partners of the partnership, and the managing editor, have their names placed on the paper for the purpose of notice.

Now, when it comes to ownership, the Federal Government steps in and requires that the names of owners of, I think, more than one per cent of the stock be published once a year.

When you come down to control that is rather a vague rule. I would have difficulty in finding out who controls the Hearst newspapers at the present time. They are probably controlled by creditors' committees, and it seems to me that if the amendment of the Senator from Fayette, Mr. Cavalcante, were embodied in separate legislation I might look at it differently, but in this case it seems to be inappropriate, and therefore I will have to vote against it.

Mr. CAVALCANTE. I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, what is the specific purpose of the bill introduced by the Senator from Montgomery, which is now on the calendar.

Mr. EDMONDS. Mr. President, it is to give notice to those who have business dealings or claims against those papers as to who the owners are.

Mr. CAVALCANTE. Well, Mr. President, how can the Senator get the owner or the persons controlling the paper unless he knows the person having the real control of the stock?

Mr. EDMONDS. Mr. President, the persons named in the bill are the people who are to accept service for the newspaper corporation in the event of suit. That notice is given to the public generally by this bill.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DiSILVESTRO. Mr. President, I desire to be recorded as voting "present".

The PRESIDENT. It will be so recorded.

The yeas and nays were required by Mr. Cavalcante, and were as follows, viz:

YEAS—7

Cavalcante,	Haluska,	McCreesh,	Sipe,
Dent,	Kilgallen,	Reed,	

NAYS—35

Bartlett,	Frey,	Mallery,	Shapiro,
Chapman,	Geltz,	McGinnis,	Snowden,
Coleman,	Gilson,	Miller,	Stevenson,
Crowe,	Heyburn,	Mundy,	Stiefel,
Deitrick,	Homsher,	Owlett,	Tallman,
Ealy,	James,	Pierson,	Thomas,
Edmonds,	Jaspan,	Rice,	Walker,
Eroe,	Kunkel,	Ruth,	Wolfenden,
Farrell,	Letzler,	Scarlett,	

So the question was determined in negative.

The second, third and fourth sections of the bill were read as follows and agreed to:

Section 2 In the event any change is made in the proprietorship ownership or managing editor of any newspaper or in the office of president of any corporation owning and publishing said newspaper or any change in the names of the members of the copartnership the said change shall be duly set forth in the next issue of said newspaper following such change

Section 3 Any person partnership or corporation publishing a newspaper who or which omits fails or neglects to carry out the provisions of this act and the publication required by the preceding sections of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

The title of the bill was read as follows and agreed to;

An Act requiring newspapers published in this Commonwealth to print on the editorial page the names of the owners proprietors or publishers and the managing editors of the same and providing a penalty

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1011, as follows:

An Act to further amend section nineteen of the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1092) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioners and for the admission of foreign societies designating tables of morality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" by imposing upon certain fraternal benefit scieties the expenses incurred by the Insurance Department in making examinations of such societies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nineteen of the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1092) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for te admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" as last amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 931) is hereby further amended to read as follows

Section 19 Examination The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employes or other persons in relation to the affairs transactions and conditions of the society Such examination shall be made every three (3) years or oftener as he deems it to be necessary All the expenses incurred in and about the examination of domestic societies including compensation of the deputies examiners and other employes of the department assisting in said examination shall be charged to and paid by the domestic society examined in equitable proportions at such times and in such manner as the commissioner shall by general rule or regulation prescribe

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective imediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1019, (House Bill No. 1203), entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1020, (House Bill No. 1424), entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1021, (House Bill No. 1425), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1022, (House Bill No. 1426), entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. KUNKEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL, by request, read in place and presented to the Chair Senate Bill No. 1063, entitled:

An Act to amend the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1206), entitled "An act relating to memorial halls in counties of the second class, erected in memory of the soldiers, sailors, and marines who served in the Civil War; and providing for the use, upkeep, and management and control of such halls," including the Disabled American Veterans of the World War among the organizations named in the act.

Which was committed to the Committee on Military Affairs.

REPORTS FROM COMMITTEES

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN, from the Committee on Highways, reported as committed, Senate Bill No. 630, (House Bill No. 929), entitled:

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers, providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties, imposing certain costs upon counties providing for the disposition of fines, forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 658, entitled:

An Act to amend section one thousand one hundred forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

Mr. SCARLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SCARLETT, from the Committee on Banking, reported as committed, Senate Bill No. 244, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate, legacies, including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised, the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GILSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 49, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 131, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania forty acres of land adjacent to "Pennsbury Memorial" or so much thereof as may be necessary to properly honor the founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the

Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and vistation thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 315, entitled:

An Act affecting cities of the third class; authorizing the annexation of boroughs thereto under certain conditions, and, in connection therewith, placing duties upon or affecting courts of quarter sessions, county boards of election, and officers of boroughs and cities of the third class, and providing for the payment of the indebtedness of the various territorial units involved.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 482, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 525, (House Bill No. 742), entitled:

An Act to amend section one thousand eight hundred five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 545, entitled:

An Act to amend sections one, two and seven of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one, (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," extending the provisions of said act to include private nursing homes and private hospitals operated on a nonprofit basis.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 567, (House Bill No. 605), entitled:

An Act to amend sections 904, 905, 1006, 1125, 1202L111, 1309, 1314 and 2460 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising, amending and consolidating the law relating to boroughs," as amended, by further regulating the affairs of boroughs and revising, amending and changing the law relating thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration if Senate Bill No. 616, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act, or from the date they are so acquired.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 630, (House Bill No. 929), entitled:

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers, providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties, imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 643, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violation," as amended, requiring the agents of the Department of Justice of the Pennsylvania Motor Police to return parole violators after their apprehension, the expenses incurred by such agents to be borne by the penitentiary.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 658, entitled:

An Act to amend section one thousand one hundred forty seven of the act, approved the first day of May, one thousand nine hundred an thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 699, entitled:

An Act providing for the acquisition of the Admiral Perry Memorial Park by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission; imposing certain duties upon the Department of Justice; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 723, entitled:

An Act to further amend sections one and two, as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1528), entitled "An act authorizing the Secretary of Highways, with the approval of the Governor, to establish, construct and maintain roads parallel to existing State highways, in order to relieve traffic congestion; providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby; and providing that such highway when constructed shall become a part of the system of State highways of the Commonwealth," by extending certain provisions thereof to cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 734, (House Bill No. 635), entitled:

An Act to further amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 776, (House Bill No. 389), entitled:

An Act to consolidate, amend and revise the penal laws of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 778, (House Bill No. 709), entitled:

An Act for the protection of the public health by prohibiting the adulteration, misbranding, false labeling and false advertising of drugs, including cosmetics and of instruments, apparatus, contrivances, accessories and other devices used in the diagnosis, cure, mitigation, treatment and prevention of disease; providing for issuance of permits for the manufacturing of drugs and cosmetics, the detention, embargoing, seizure and destructions of unlawful drugs, cosmetics and devices; regulating dealing in new drugs; conferring powers and imposing duties on the State Board of Pharmacy and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 819, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 887, (House Bill No. 887), entitled;

An Act to amend section twenty of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits, requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births, marriages, deaths and diseases of practitioners of medicine and surgery of midwives, nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages and diseases throughout the State as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April, nineteen hundred and five and providing penalties for violations of this act," as amended, by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 895, (House Bill No. 1103), entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full and making an appropriation out of the Motor License Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 937, (House Bill No. 690), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer and perscribing penalties," excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provision for reciprocal arrangements and compacts with agencies of other states and the Federal Government, further defining ineligibilty for compensation; authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account and terminating certain compensation rights hereunder.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 941, (House Bill No. 1129), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease on behalf of the Commonwealth of Pennsylvania, the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission, authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 943, (House Bill No. 1232), entitled:

An Act regulating the appointment, promotion, suspension, reduction and reinstatement of employees, (except superintendent of police and assistant superintendent of police) in bureaus of police, detectives, signal operators, assistant signal operators, police telephone operators, police radio operators and assistant radio operators, police women and police matrons in cities of the second class; defining the powers and duties of civil service commissions for such purpose in said cities; and repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 967, (House Bill No. 1022), entiteld:

An Act to amend further section five of an act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," by providing that the Department of Highways may in the discretion of the Secretary of Highways, construct, reconstruct, resurface or maintain additional width.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 968, (House Bill No. 1026), entitled:

An Act to provide that under certain conditions, roads, highways, bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 986, (House Bill No. 545), entitled:

An Act to amend section one thousand and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by excluding from the provisions of said section ridden animals of the National Guard or Regula Army of the United States when actually engaged in training or maneuvers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 996, entitled:

An Act relating to, and providing for, the discontinuance and abandonment of the project for the erection, construction, operation and control of the Maximum Security State Penitentiary; authorizing the cancellation and the making or revision of certain contracts and leases between The General State Authority and the Commonwealth to effectuate such discontinuance and abandonment and to pay for damages and losses sustained by The General State Authority; and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1012, (House Bill No. 41), entitled:

An Act to further amend section one of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth, the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges," by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1014, (House Bill No. 382), entitled:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizig the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the power and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1015, (House Bill No. 662), entitled:

An Act to amend section one of the act approved the sixth day of May, one thousand nine hundred and twenty-seven (P. L. 843), entitled "An act authorizing the Department of Highways with the approval of the Governor to build, rebuild, construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof," by authorizing the Department of Highways with the approval of the Governor to build, rebuild, construct and maintain roads, bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1028, entitled:

An Act authorizing the conveyance to the Delaware River Joint Toll Bridge Commission of a certain tract of land in the Borough of Portland, County of Northampton, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1031, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1297

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1297, entitled:

An Act to further amend section five, and to amend section six, of the act, approved the third day of May, one thousand nine hundred and nine, (P. L. 395), entitled "Commercial Feeding Stuffs Laws," authorizing the Secretary of Agriculture to make rules and regulations and establish standards; further regulating the taking of samples; and changing and providing penalties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 771

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 771, entitled:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery farm equipment and

crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 322, entitled:

An Act to repeal the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and imposing duties on the Department of Revenue and prescribing penalties."

House Bill No. 239, entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district, and providing for the expenditure of the moneys so transferred for institution district purposes.

House Bill No. 296, entitled:

An Act to validate mortgage sales of real estate by foreign executors and administrators, and the titles acquired by purchasers at such sales.

House Bill No. 345, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

House Bill No. 346, entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate, said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

House Bill No. 482, entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the steps in wildlife—restoration projects, and for other purposes," approved September second, one thousand nine hundred and thirty-seven, and conferring certain powers and duties on the Pennsylvania Game Commission.

House Bill No. 538, entitled:

An Act to repeal the act, approved the fifth day of March, one thousand nine hundred and three (P. L. 13), entitled "An act in relation to abandonment of portions of railroads."

House Bill No. 718, entitled:

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws, fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by extending the time within which the Commonwealth shall take over all such institutions, and extending the time for the repeal of certain acts listed in section nine of said act.

House Bill No. 720, entitled:

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "Mental Health Act of 1923," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city, or institution district institutions during such time.

House Bill No. 762, entitled:

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

House Bill No. 804, entitled:

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination.

House Bill No. 890, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" limiting the number of days for the completion of audits in townships of the first class.

House Bill No. 962, entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

House Bill No. 963, entitled:

An Act to amend section one of an act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine," as amended by an act approved the 2nd day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine,' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases, and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof, and the rights of dissenting stock holders," so as to provide for consolidation or merger of corporations authorized to do business in this State.

House Bill No. 1225, entitled:

An Act to further amend clause (f) of section twelve of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated.

House Bill No. 1371, entitled:

An Act to amend the title and further amend and reenact the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," by extending the provisions of the act to include other weeds.

House Bill No. 771, entitled:

An Act to further amend section one of the act approved the second day of March, one thousand nine hundred and thirty-three, (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," as amended further changing fees and agencies from whom borrowings may be made.

House Bill No. 1297, entitled:

An Act to further amend section five, and to amend section six, of the act, approved the third day of May, one thousand nine hundred and nine, (P. L. 395), entitled "Commercial Feeding Stuffs Law," authorizing the Secretary of Agriculture to make rules and regulations and establish standards; further regulating the taking of samples; and changing and providing penalties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, May 17, 1939, at 1:00 o'clock, p. m., E. S. T.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:27 o'clock, p. m., until May 17, 1939, at 1:00 o'clock, p. m., E. S. T.

HOUSE OF REPRESENTATIVES

TUESDAY, May 16, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Almighty God, our Heavenly Father, Thou who art a Spirit, infinite, eternal, and unchangeable, in all Thy being, wisdom, power, holiness, goodness and truth, who, O God, is a God like unto Thee? Make of all things by Thy power, Ruler of all things in Thy wisdom, Preserver of all things in Thy love. We praise Thee. We magnify Thee. We give unto Thee the strength of our whole being. Meet us here at the throne of Thy grace, and speak all our sins forgiven. Breathe upon us a Father's benediction as we take up the tasks of the hour. Help us to legislate wisely and well, for the material, moral, and spiritual uplifting of those whom in Thy Providence we represent, and by whose choice we are here. As we labor to set in motion the forces that will open up our mines, and turn again the wheels of our factories, so that the millions in this Commonwealth, who must earn their bread by the sweat of their brow, may again be engaged in gainful enterprise and endeavor, teach us, O God, that "promotion cometh neither from the east, nor from the west, nor from the south," but from Thee, who "putteth down one, and setteth up another."

In these days of chaos and confusion, in which "change and decay in all around we see:"

"O God, give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men of honor; men who will not lie;
Men who can stand before the demagogue
And scorn his treacherous flatteries without winking;
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.
For while the rabble with their thumb-worn creeds,
Their loud profession and their little deeds,
Mingle in selfish strife, lo, freedom weeps,
Wrong rules the land, and waiting justice sleeps."

Through Jesus Christ our Lord, we ask. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RHODES, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Messrs. TAHL and HAMILTON.

HOUSE BILL No. 1533.

An Act to amend, by adding section twenty-two and one-tenth to the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employers' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by providing retirement payments in monthly installments equal to the last monthly salary, to judges of courts of record who have served thirty or more years in any such court within this Commonwealth.

Referred to the Committee on State Government.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Whereas During the last Administration Act No. 397 was passed which provides in Section 4 as follows

"Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency whether owned at the time such expenses were incurred or acquired thereafter Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments" and

Whereas The State Board of Public Assistance on April 6 1938 submitted to the Attorney General for approval a procedure for the enforcement of the act above quoted and on July 7 1938 by resolution adopted a form of bond to be filed as a lien against real property and

Whereas The use of said bond was thereafter temporarily suspended and

Whereas the former Attorney General suggested that the Department of Public Assistance should expedite collections from relief recipients by requiring them to furnish bonds containing a clause for the confession of judgment thereby eliminating the necesity of bringing suit against relief recipients and bringing about the savings of large sums of money which opinion was concurred in on March 28 1939 by the present Attorney General and

Whereas Pursuant to the suggestion of the former Attorney General the Department of Public Assistance effective April 1 1939 issued instructions that applicants for all forms of assistance excepting blind pensioners be required to file bonds which procedure is now in effect and

Whereas the present Department of Public Assistance has recommended and pursuant to said recommendations a bill has been introduced to amend the Act of 1937 so that only the real and personal property of recipients owned at the time relief is granted or acquired during the period of said grants is liable for such repayment and providing also that any judgment obtained for the repayment of relief shall not be enforced against the real and personal property of the recipient comprising his home and furnishings during the life time of such recipient and

Whereas The Department of Public Assistance proposes upon the enactment of said act to abandon the use of said bond and to substitute in lieu thereof an agreement carrying out the provisions of said proposed amended act now therefore be it

Resolved (if the House of Representatives concur) That the Secretary of Public Assistance in view of the above facts be directed to immediately discontinue the use of said bond

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 90. (HOUSE BILL No. 1507).

An Act relating to chicks and ducklings prohibiting the artificial coloring and sale thereof and providing penalties.

Referred to the Committee on Agriculture.

SENATE BILL No. 160. (HOUSE BILL No. 1508).

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, further regulating the taking of fish from inland waters and the possession thereof; changing the fee for securing a duplicate fishing license upon loss of the original, and the requirements as to giving notice of closing waters to fishing by the board; providing additional penalties; and authorizing and regulating the acquisition, use, control, leasing, sale and exchange of property by the Board of Fish Commissioners, and of rights in or relative to, and the products of such property.

Referred to the Committee on Fisheries.

SENATE BILL No. 197. (HOUSE BILL No. 1509).

An Act to further amend sections three hundred eleven, three hundred fourteen, three hundred seventeen, three hundred twenty, three hundred twenty-one, three hundred twenty-two and three hundred twenty-five, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the definition of county employe to include county institution district employes; authorizing the board to employ persons and fix salaries; providing for appropriations by institution districts; providing for discontinuation of allowance to disabled employes in certain cases and further regulating retirement payments and reinstatement of former employes.

Referred to the Committee on Counties.

SENATE BILL No. 374. (HOUSE BILL No. 1510).

An Act relating to the licensing of dogs trained to aid blind persons without the payment of a license fee.

Referred to the Committee on Agriculture.

SENATE BILL No. 547. (HOUSE BILL No. 1511).

An Act to further amend section one of the act, approved the third day of May, one thousand nine hundred and twenty-three (P. L. 134), entitled "An act making the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the State; and providing for their publication and distribution, by imposing the duty of printing such proceedings on the Department of Property and Supplies," by extending the provisions of the act to the Society of the Twenty-eighth Division, A.E.F.

Referred to the Committee on State Government.

SENATE BILL No. 613. (HOUSE BILL No. 1512).

An Act to amend section two hundred one, and to repeal clause (b) of section three hundred eleven as amended, of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties;" by including the Western State Psychiatric Hospital and the Philadelphia State Hospital under the provisions of said act, and eliminating certain provisions relating to the commitment of male defective criminals.

Referred to the Committee on State Government.

SENATE BILL No. 614. (HOUSE BILL No. 1513).

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1199), entitled "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a

Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available, and for its management by the Department of Welfare," as amended, fixing the cost of maintenance for private or full-pay patients transferred from State-owned mental hospitals to the Western State Psychiatric Hospital.

Referred to the Committee on Appropriations.

SENATE BILL No. 672. (HOUSE BILL No. 1514).

An Act to amend section two of the act, approved the eleventh day of July, one thousand nine hundred and seventeen (P. L. 769). entitled "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof," as amended, providing that agencies importing children into the Commonwealth shall give such guarantee to the Department of Welfare as it may require.

Referred to the Committee on Welfare.

SENATE BILL No. 756. (HOUSE BILL No. 1515).

An Act providing for the substitution of an acting president judge in any court of the Commonwealth having more than one law judge in certain cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 810. (HOUSE BILL No. 1516).

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for the construction or improvement of curbs, sidewalks and roadways along the grounds and buildings thereof; and to pay the amount agreed therefor out of their appropriations for support and maintenance, or out of any appropriaton made for such purposes.

Referred to the Committee on Appropriations.

SENATE BILL No. 817. (HOUSE BILL No. 1517).

An Act to further amend section eleven of the act, approved the seventeenth day of February, one thousand nine hundred six (P. L. 45), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury, and repealing inconsisent acts.

Referred to the Committee on State Government.

SENATE BILL No. 841. (HOUSE BILL No. 1518).

An Act to amend the title and the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States of any Federeal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by authorizing the Authority to equip and furnish projects and the Commonwealth to lease as lessee such equipment and furnishings from the Authority and extending the other provisions of the Act to include such equipment and furnishings.

Referred to the Committee on State Government.

SENATE BILL No. 847. (HOUSE BILL No. 1519).

An Act to further amend section eighteen (renumbered section seventeen) of the act approved the second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" exempting the obligations issued by land grant colleges

Referred to the Committee on Ways and Means.

SENATE BILL No. 933. (HOUSE BILL No. 1520).

An Act declaring certain restricted state hospitals to be general hospitals and within the limitations of their individual facilities upon for the treatment of patients and cases which other general hospitals may treat

Referred to the Committee on State Government.

SENATE BILL No. 980. (HOUSE BILL No. 1521).

An Act to amend section fourteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended providing for an additional cause for vacating commissions of officers and warrant officers of the National Guard

Referred to the Committee on Military Affairs.

SENATE BILL No. 981. (HOUSE BILL No. 1522).

An Act to amend paragraph one of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" as amended altering qualification requirements for the award of such medals and the specifications and design thereof

Referred to the Committee on Military Affairs.

SENATE BILL No. 152. (HOUSE BILL No. 1523).

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the Board and of certain other officers and employes thereof making violations of

certain provisions of this act misdemeanors and providing penalties therefor and for other cognate purposes

Referred to the Committee on Judiciary Special.

SENATE BILL No. 359. (HOUSE BILL No. 1524).

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, and one thousand nine hundred and thirty-seven: and validating the liens of such taxes.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 506. (HOUSE BILL No. 1525).

An Act to amend section four hundred and eleven of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," giving owner of mansion house divided by county line, right to choose situs of assessment.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 677. (HOUSE BILL No. 1526).

An Act authorizing counties of the third class to enter into agreements with certain hospitals for the care of contagious disease cases; and authorizing such counties to make appropriations therefor.

Referred to the Committee on Counties.

SENATE BILL No. 727. (HOUSE BILL No. 1527).

A Joint Resolution proposing an amendment to section one article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 802. (HOUSE BILL No. 1528).

An Act to further amend section two hundred and seventy-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," creating additional county detectives in counties of the second class, and establishing their salaries.

Referred to the Committee on Cities—Second Class.

SENATE BILL No. 818. (HOUSE BILL No. 1529).

An Act to further amend sections ten and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claim; and validating certain municipal liens heretofore filed and certain liens heretofore revived by suggestion and averment.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 827. (HOUSE BILL No. 1530).

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 844. (HOUSE BILL No. 1531).

An Act re-creating and continuing the Joint Legislative Committee to study regulations of milk control created by Senate Concurrent Resolution (Serial No. 103) approved the twenty-eighth day of March one thousand nine hundred and thirty-nine prescribing its powers and duties and re-appropriating the unexpended balance of any appropriation made to the Joint Legislative Commission created by Senate Concurrent Resolution (Serial No. 106) approved the sixteenth day of March one thousand nine hundred and thirty-seven.

Referred to the Committee on Dairy Industries.

SENATE BILL No. 25. (HOUSE BILL No. 1532).

An Act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time.

Referred to the Committee on Labor.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

ALIEN REGISTRATION

A petition from the American League for Peace and Democracy opposing Senate Bill No. 134.

Referred to the Committee on Judiciary General.

EQUAL RIGHTS

A Resolution from citizens of Philadelphia supporting House Bill No. 103.

Referred to the Committee on Judiciary Special.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 239.

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes.

HOUSE BILL No. 345.

An Act to validate and quiet the title of real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL No. 346.

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate, said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL No. 538.

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws 13) entitled "An act in relation to abandonment of portions of railroads."

HOUSE BILL No. 762.

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto;" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

HOUSE BILL No. 890.

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class

HOUSE BILL No. 296.

An Act to validate mortgage sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales.

HOUSE BILL No. 322.

An Act to repeal the act, approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties"

HOUSE BILL No. 962.

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors

HOUSE BILL No. 804.

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by excluding certain persons from certain provisions of said act

HOUSE BILL No. 963.

An Act to amend section one of an act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State

HOUSE BILL No. 718.

An Act to amend the act approved the twenty-ninth day of September one thonsand nine hundred thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extendng the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

HOUSE BILL No. 720.

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-three) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time

HOUSE BILL No. 1371.

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (Pamphlet Laws 164) entitled "An act to provide for the destruction

and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

HOUSE BILL No. 482.

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission

HOUSE BILL No. 1225.

An Act to further amend clause (f) of section twelve of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge, and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated.

With the information that the Senate has passed the same without amendment.

CONCURRENCE IN HOUSE RESOLUTION NO. 73

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 24, 1939.

Whereas during the 1937 Session of the General Assembly there was passed a new law for the regulation of public utilities known as the Public Utility Law which Act superseded and repealed the Public Service Company Law which has been in effect since January 1, 1914 and

Whereas A number of provisions of the Public Utility Law of 1937 have been the subject of judicial review and have been held by State or Federal Courts to be unconstitutional as the result of which amendatory legislation was passed at the special session of 1938 designed to correct some of the unconstitutional provisions and

Whereas other provisions of this 1937 law are alleged to extend beyond the scope of reasonable and proper regulation of the utilities in that they unduly invade the field of management impose upon utilities the burden of furnishing costly reports or conforming to procedures of doubtful value in the determination of reasonable rates and adequate service retard the development and expansion of utility properties and facilities discourage investment in utility securities and present questions which may involve the Commonwealth and the utilities and indirectly the ratepayers in protracted and costly litigation thereby retarding future reductions in utility rates and

Whereas the best interests of the Commonwealth the rate payer the utilities and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth require that a careful comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes if any should be made in said Law to make it fair just and reasonable in its application to all concerned Therefore Be It

Resolved (if the Senate concur) that the Attorney General be and is hereby requested to undertake and prosecute a thorough and impartial study of the Public Utility Laws of this and other states ascertain the viewpoints of the Public Utility Commission other regulatory bodies the public the utilities affected and others as to the proper concepts to be applied in the field of utility regulation consider the effect and trend of judicial decisions in the public utility field and the questions involved in pending litigation and ascertain what if any amendments should be made to the Public Utility Law in order to secure adequate proper and sound regulation of utilities in the public interest which will at the same time encourage investment in utility securities and aid in a program of expansion and economic recovery in this Commonwealth

Resolved that the Attorney General be requested to report the results of his study and investigation of the Public Utility law together with such proposed legislation as he deems proper for consideration to the next Regular Session of the General Assembly

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 15, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday afternoon, May 22, 1939, at two o'clock Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 22, 1939, at eight o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. McCLESTER from the Committee on Banking reported as amended, House Bill No. 1088, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised

corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by further regulating the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business or property of Building and Loan Associations.

Mr. ROBERTSON from the Committee on Boroughs reported as committed, House Bill No. 236, entitled:

An Act to amend section three thousand one hundred and one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," extending the jurisdiction within which, and the manner, fines, penalties and costs may be collected.

Mr. BRETHERICK from the Committee on Judiciary General reported as amended, House Bill No. 992, entitled:

An Act increasing the amount below which judgments of justices of the peace and aldermen in civil cases, shall be final.

Mr. BRETHERICK from the Committee on Ways and Means reported as committed, House Bill No. 831, entitled:

An Act to amend section one of the act approved the twenty-fifth day of May, one thousand nine hundred seven (P. L. 244), entitled "An act to provide revenue by imposing a license-tax on the keepers of all shooting-galleries, shuffle-board-rooms, billiard or pool-rooms, for purpose of profit, or any other place in which any game is played on a table with the use of balls and cues; and bowling-alleys, nine-pin-alleys, tenpin-alleys, or other alleys or places in which any game is played with the use of balls or pins, or other objects; providing for the collection of said tax, and imposing certain duties upon mercantile appraisers and county treasurers," by reducing the license-tax on the keepers of bowling-alleys, nine and tenpin-alleys.

Mr. BARDES from the Committee on Boroughs reported as committed, House Bill No. 133, entitled:

An Act to amend section two thousand four hundred and sixty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the use of moneys collected on borough-owned waterworks.

Mr. FLEMING from the Committee on Elections reported as committed, House Bill No. 1322, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections."

Mr. CLARK from the Committee on Public Utilities reported as committed, House Bill No. 63, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage, and to furnish or render such services to the public within or beyond their corporate limits or both; conferring the power of eminent domain; conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof; providing for and authorizing the incorporation and election of a board of directors to operate and manage such works, and defining its powers and duties; conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission; and prescribing penalties.

Mr. GATES from the Committee on Banking reported as amended, House Bill No. 1087, entitled:

An Act to amend the title and Section 1 of the act, approved the second day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand one hundred eighty-three) entitled "An act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation, shall be legal investments for certain corporations and certain funds," extending the investments for certain corporations and certain funds to obligations issued pursuant to the provisions of the Federal Home Loan Bank Act.

Mr. WILKINSON from the Committee on Ways and Means reported as committed, House Bill No. 309, entitled:

An act to amend section three of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as re-enacted and amended, excluding from the provisions of said act personal property transferred and assigned to, or possessed by certain fiduciaries.

Mr. KOWALSKI from the Committee on Elections reported as committed, House Bill No. 1231, entitled:

An Act to amend clause (b) of section seventeen of, and to add section thirty-five and one-tenth to the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing their powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," requiring the commission to provide for registrars to sit in each ward on a certain day prior to election in every even numbered year, and to post daily outside of their office certain changes made on the registers.

Mr. JOHN N. HOFFMAN from the Committee on Ways and Means reported as amended, House Bill No. 415, entitled:

An Act imposing a tax for the use of the Commonwealth on all phonographs or machines for reproducing music from records, which are operated by the insertion of a coin; imposing certain duties on the Department of Revenue; and providing penalties.

Mr. PEACOCK from the Committee on Boroughs reported as committed, House Bill No. 644, entitled:

An Act to add clause fifty-nine to section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519). entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by authorizing appropriations for the support, maintenance, discipline and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Mr. MORAN from the Committee on Public Utilities reported as amended, House Bill No. 89, entitled:

An Act imposing liability for damages sustained by places of business from the maintenance of ditches, excavations and trenches in front of such places by municipalities, public utility companies, or other persons.

Mr. JIROLANIO from the Committee on Ways and Means reported as amended, House Bill No. 277, entitled:

An Act to provide revenue by imposing a license-tax on the keepers of all pin-ball games, hi-score games, or other games or devices of skill or chance for purpose of profit; providing for the collection of said tax; and imposing certain duties upon mercantile appraisers, county treasurers, and the Department of Revenue; and appropriating the proceeds from such tax to the Department of Welfare.

Mr. KANE from the Committee on Ways and Means reported as amended, House Bill No. 14, entitled:

An Act to amend section four, as amended, and section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties and making an appropriation," by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways, motor boats on the waters, and air craft over this Commonwealth, providing penalties, and providing for the suspension of this act under certain conditions.

Mr. WINNER from the Committee on Banking reported as committed, House Bill No. 1477, (Senate Bill No. 743), entitled:

An Act to amend subsection VII of section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" permitting such credit unions to invest funds in loans to other credit unions.

Mr. ECKELS from the Committee on Judiciary General reported as committed, House Bill No. 1473, (Senate Bill No. 198), entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds or other obligations of corporations when such mortgages bonds or obligations contained minor defects.

Mr. HAINES from the Committee on Elections reported as committed, House Bill No. 1458, (Senate Bill No. 158), entitled:

An Act to amend section one thousand two hundred six of and to add section one thousand two hundred six and one-tenth to the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election and imposing additional duties upon the counsels for the county boards of elections

Mr. ALSPACH from the Committee on Judiciary General reported as committed, House Bill No. 1469, (Senate Bill No. 642), entitled:

An Act to further amend Section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real state devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by making further provision for the investment of trust funds in interest-bearing deposits.

Mr. ALSPACH from the Committee on Judiciary

General reported as committed, House Bill No. 1452, (Senate Bill No. 513), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three, (Pamphlet laws two hundred eighty-nine), entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by modifying changing and clarifying the provisions of the act relating to the corporate name.

Mr. ALSPACH from the Committee on Judiciary General reported as committed, House Bill No. 1453, (Senate Bill No. 515), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by modifying changing and clarifying certain provisions of the act relating to the corporate name.

Mr. COOPER from the Committee on Judiciary General reported as committed, House Bill No. 1390, (Senate Bill No. 249), entitled:

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

Mr. MONTGOMERY from the Committee on Elections reported as committed, House Bill No. 1502, (Senate Bill No. 748), entitled:

An Act to amend section forty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation" to provide for the preservation of registration records.

Mr. MONTGOMERY from the Committee on Elections reported as committed, House Bill No. 1503, (Senate Bill No. 749), entitled:

An Act to amend section thirty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to provide for the preservation of registration records.

Mr. MONTGOMERY from the Committee on Elections reported as committed, House Bill No. 1504, (Senate Bill No. 750), entitled:

An Act to amend sections thirty-three and thirty-four of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars. inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

Mr. MONTGOMERY from the Committee on Elections reported as committe, House Bill No. 1505, (Senate Bill No. 751), entitled:

An Act to amend sections thirty-two and thirty-three of the act approved the twenty-ninth day of April one

thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

Mr. SETH W. BROWN from the Committee on Public Utilities reported as amended, House Bill No. 1506, (Senate Bill No. 457), entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May, one thousand eight hundred eighty-five, entitled, "An act to provide for the incorporation and regulation of natural gas companies," enlarging the powers of such corporations; and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

Mr. SWEENEY from the Committee on Banking reported as committed, House Bill No. 1501, (Senate Bill No. 505), entitled:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments.

Mr. SETH W. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 1389, (Senate Bill No. 248), entitled:

An Act to amend section fifteen of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by further clarifying the provisions of said act as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

Mr. ACHTERMAN from the Committee on Judiciary General reported as committed, House Bill No. 1485, (Senate Bill No. 156), entitled:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred and seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages."

Mr. TAHL from the Committee on Judiciary General reported as committed, House Bill No. 1475, (Senate Bill No. 591), entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" by extending the jurisdiction of the orphans' court to include partition proceedings between heirs of a deceased co-tenant and the surviving co-tenant.

Mr. BROAD from the Committee on Townships reported as amended, House Bill No. 1487, (Senate Bill No. 585) entitled :

An Act to amend clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide fire hydrants and hose to pay for and maintain the same by tax levy or from revenues derived from the general road tax.

Mr. ROYER from the Committee on Labor re-reported as amended House Bill No. 496, entitled:

As Act to amend section four of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand twenty-four), entitled " An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by extending the night restrictions on employment in manufacturing establishments in certain cases.

Mr. HOCKE from the Committee on Elections re-reported as amended, House Bill No. 853, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred fourteen) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating certain provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

Mr. HOCKE from the Committee on Elections re-reported as amended, House Bill No. 855, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at

primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by eliminating the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

Mr. HOCKE from the Committee on Elections reported as amended, House Bill No. 854, entitled:

An Act to amend clause (c) of section thirty of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand one hundred thirty-two) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

Mr. HOCKE from the Committee on Elections reported as amended, House Bill No. 852, entitled:

An Act to amend clause (c) of section thirty-one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by eliminating the provision requiring certain public service companies to make certain reports to the registration commission

The SPEAKER. The Chair requests the gentleman from Philadelphia, Mr. Ominsky, to preside.

MR. OMINSKY IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1014, entitled:

An Act to amend the act approved May 1 1929 (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of his Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds by providing for commercial operator's licenses prescribing the qualifications and fees therefor providing for the suspension and revocation of such licenses and fixing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 991, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER PRO TEMPORE. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, my point or order is that the Chair is presiding without being properly apparelled.

The SPEAKER PRO TEMPORE. The point or order is well taken, but the Chair must carry on.

Mr. ANDREWS. The Chair cannot carry on without a carnation.

The SPEAKER PRO TEMPORE. The Chair wants to thank the gentleman from Cambria. The Chair now has official authority to proceed.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 933, entitled:

An Act authorizing the Department of Property and Supplies to acquire repair restore and maintain certain historic shrines and the grounds surrounding the same in Delaware County Pennsylvania conferring certain powers and duties on the Pennsylvania Historical Commission and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 393, entitled:

An Act authorizing the Armory Board of the State of Pennsylvania to construct and erect in the county of Dauphin a memorial or monument in memory of the residents of Dauphin County who served in the forces of the United States during the World War and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1134, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 877, entitled:

An Act making an appropriation to Pennsylvania Military College Chester Pennsylvania for the military training and education of students

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 617, entitled:

An Act making an appropriation to the Department of Highways out of the Motor License Fund for the purpose of rebuilding county bridges carried away or destroyed by fire flood or other casualty and of carrying out the provisions of existing laws relating thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1495, entitled:

An Act abating proportionately certain appropriations to the extent necessary to offset loss of revenue under certain circumstances

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1207, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1115, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1214, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 73, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 588, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 881, entitled:

An Act making an appropriation to the Local Government Commission to continue its work

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 397, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1481, (Senate Bill No. 537), entitled:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS PASSED OVER

The SPEAKER PRO TEMPORE. The following bills are not on file and will therefore be passed over for the present: House Bills Nos. 625, 1381, 341, 1120, 434, 1141, and 438.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 418, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treament removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1082, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1084, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1101, entitled:

An Act making an appropraition to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 335, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 923, entitled:

A Supplement to the act approved the twenty-sixth day of June one thousand nine hundred thirty-one (Pamphlet Laws one thousand three hundred eighty-six) entitled "An act providing for the care protection and maintenance of the brig Niagara Commodore Perry's Flagship at the Battle of Lake Erie and now the property of the State of Pennsylvania creating a commission to be The Flagship Niagara Commission and making an appropriation for such care protection and maintenance" transferring the custody and control restoration and rehabilitation care protection and maintenance of the Flagship Niagara from the Flagship Niagara Commission to the Pennsylvania Historical Commission providing for the continuance of the present Flagship Niagara Commission as an advisory committee and for its discharge from certain duties and powers and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceded to the first reading and consideration of House Bill No. 1444, (Senate Bill No. 460), entitled:

An Act to amend paragraphs (6) and (7) of Section 2 Sections 405 and 915 of and to add Sections 922 and 1315 to the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" requiring common carriers to deal only with certain common carriers by motor vehicles providing for additional insurance by certain motor carriers of passengers authorizing the Commission and the Department of Revenue to cooperate in

identification plate requirements and providing additional penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Ominsky, for presiding.

The Chair wishes to advise the gentleman from Cambria, however, that if he keeps on raising points of order it is going to mean a very large florist's bill.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1299, as follows:

An Act to amend section one of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (Pamphlet Laws 645) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificates fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" as amended excluding from the provisions of said act all limited partnerships and members thereof for which a certificate is filed in the office of the recorder of deeds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (Pamphlet Laws 645) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificates fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" as last amended by the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 979) is hereby further amended to read as follows

Section 1 That no individual or individuals except as hereinafter provided shall hereafter carry on or conduct any business in this Commonwealth under any assumed or fictitious name style or designation unless the person or persons conducting or carrying on the same shall have first filed in the office of the Secretary of the Commonwealth and in the office of the prothonotary to be entered in a book to be provided for that purpose a certificate under oath and signed by such person or persons setting forth the real name or names and addresses of all the persons owning or interested in said business and also the name style or designation under which said business is being or will be carried on or conducted

Where any of the owners of said business live outside of the Commonwealth of Pennsylvania and carry on or conduct any such business through an agent such certificate shall also show the name and address of such agent Provided That the failure of any such person or persons to file the certificates aforesaid in the office of the Secretary of the Commonwealth or in the office of the prothonotary shall not impair or affect the validity of any contract with such person or persons and actions or proceedings at law or in equity may be instituted and maintained on any such contract but no such action shall be instituted or recovery had by any such person or persons on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such person or persons comply with the provisions of this act And provided further Before any such person or persons can institute any action in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof on any cause of action arising prior to the filing of the certificate provided for in this section such person or persons shall pay to the Secretary of the Commonwealth for the use of the Commonwealth a license fee or fine of twenty-five ($25.00) dollars This act shall apply to all actions pending at the date of the passage of this act Provided That the plaintiff in any such suit shall pay all costs accrued prior to compliance with the provisions of this act Provided That this act shall not apply to any cases adjudicated at the date of the passage of this act

The certificate of the Secretary of the Commonwealth under the great seal of the Commonwealth showing the filing of the certificates and the payment of fees and fines or the failure to file such certificates or to pay the fees and fines as provided for and required by this act shall be competent and legal evidence and shall be admitted in evidence in any judicial proceeding in any court where the same may be material

The provisions of this act and any amendment or supplement thereto shall in no way apply to any limited partnership or the members thereof for which a certificate has heretofore been or shall hereafter be filed in the office of the recorder of deeds of the proper county as rquired by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1071, as follows:

An Act to amend sections one thousand two hundred four and two thousand five and to repeal section two thousand six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" transferring certain functions of the Department of Highways to the Department of Internal Affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one thousand two hundred four and two thousand five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization

of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended to read as follows

Section 1204 Municipalities and Townships Roads and Highways The Department of Internal Affairs shall have the power and its duty shall be

(a) To gather classify index make available and disseminate data statistical information and advice that may be helpful in improving the methods of administration and municipal development in the several municipalities and townships of the Commonwealth

(b) To maintain for the benefit of the several municipalities and townships of the Commonwealth a publicity service

(c) To install or assist in the installation and establishment of uniform systems of accounts in the various municipalities of the State

(d) To promote a comprehensive plan or series of plans for the proper future requirements of cities boroughs or townships of the Commonwealth either separately or jointly in respect to a system of traffic thoroughfares and highways transportation of every sort suitably coordinated sites for public buildings parks parkways playgrounds and other uses the preservation of natural and historic features and any and all public improvements tending to the advantage of municipalities or townships and to either make or secure or assist in making or securing the necessary surveys plans and information

(e) In all reasonable ways to advise and give information to county city borough incorporated town or township officers having authority over highways and bridges relative to the construction repairing alteration and maintenance of such highways and bridges

(f) To call such State county or township road meetings or conventions at such times and at such places as the department shall deem wise and to assist in the formation of county associations of township officers and be represented at their conventions

(g) To have general supervision over all township highways and bridges constructed improved or maintained in whole or in part by the aid of State moneys and to approve all agreements made by township supervisors for the expenditure of moneys appropriated by the State for road purposes

(h) To approve plans and specifications and estimates for the erection and repair of township bridges and culverts and for the construction and maintenance of township highways but such plans and specifications shall not be approved unless they conform to the standards of the department and no contract for the repair or construction of any township bridge or culvert or for the reconstruction of a township road shall be valid unless such contract is in accordance with plans prescribed or unless plans specifications and estimates have been prepared or approved by the department

(i) To furnish from time to time bulletins of instruction to the boards of township supervisors throughout the State for the building repairing maintenance and improvement of township roads and bridges and to furnish any additional information when called upon to do so The department may also furnish from time to time free of charge standard plans and specifications for permanent improvements in the building of bridges and culverts establish all grades proper drainage and such other matters as may be deemed essential

(j) To prescribe the method of keeping township accounts and records of moneys received and expended for highways machinery bridges tools and implements and for miscellaneous purposes from time to time to cause examination of all such accounts and records to be made and to furnish and supply to the several township officers all necessary books blanks forms and supplies which shall be necessary for the proper conduct of the road work of the township

Section 2005 General Road Improvement The Department of Highways shall have the power and its duty shall be

(a) To make a survey of all the roads of the State and a general highway plan of the State and to compile statistics and collect information relative to the mileage character and condition of the roads in the townships and counties of the State

(b) To investigate and determine upon the various methods of road construction best adapted to the various sections of the State and to establish standards for the construction and maintenance of highways in various sections taking into consideration the topography of the country and the natural conditions and the character and ability of the townships and counties to build and maintain roads as provided by law

[(c) In all reasonable ways to advise and give information to county city borough incorporated town or township officers having authority over highways and bridges relative to the construction repairing alteration and maintenance of such highways and bridges]

(d) To aid in promoting road improvement throughout the State and for that purpose to prepare and compile useful information relative to road building and maintenance which may be disseminated by means of printed bulletins

(e) To cause to be published maps showing complete road surveys of each county which shall be kept on sale in the department at the cost of publication

[(f) To call such State county or township road meetings or conventions at such times and at such places as the department shall deem wise and to assist in the formation of county associations of township officers and be represented at their conventions]

Section 2 Section two thousand six of said act is hereby repealed absolutely

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1296, as follows:

An Act to amend Sections 518 532 and 541 Section 802 as amended Sections 1112 1156 1160 1170 and Subdivision (d) of Article 13 and Sections 1401 and 1525 of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" transferring certain functions relating to the affairs of such townships heretofore performed by the Department of Highways to the Department of Internal Affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 518 532 and 541 of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 518 Annual Reports to State Department of [Highways] Internal Affairs The board of township supervisors shall annually on or before the first day of February in each year make a sworn statement to the State Department of [Highways] Internal Affairs on blanks furnished to them by the department of the whole amount of tax levied during the preceding year for road purposes and the total amount of road taxes collected during the year They shall specify in such report the amount ex-

pended for maintenance or repairs of roads for opening and building new roads and for macadamizing or otherwise permanently improving roads the number of miles of roads thus made and the total number of miles of township roads in the township Such report shall also contain the names and addresses of the chairman members and secretary and treasurer of the board and such other matters and things as the State Department of [Highways] Internal Affairs may require

Section 532 Duties The township treasurer shall receive all moneys due the township and deposit the same promptly upon receipt thereof in a bank banking institution or trust company in the name of the township He shall keep distinct accounts of all sums received from taxes and other sources which accounts shall at all times be open to the inspection of the supervisors of the township He shall pay out all moneys received by him only on orders drawn by the supervisors of the township All orders shall be on blanks prepared and furnished by the State Department of [Highways] Internal Affairs He shall annually state his accounts and lay the same together with the vouchers before the township auditors for settlement

Section 541 Books Furnished by Department of [Highways] Internal Affairs The secretary shall provide a suitable book or books for the purpose of entering therein all matters of which he is required to keep a record Such books shall be furnished by the State Department of [Highways] Internal Affairs

Section 2 Section 802 of said act as amended by act approved the fourteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 628) and the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1738) is hereby further amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing and shall be made only after competitive bidding The secretary of the board shall either advertise once a week for two weeks in one or more newspapers of general circulation in the township for competitive bids or shall obtain quotations from at least 3 responsible concerns It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

The supervisor shall not hire any work to be done purchase any material or make any contract in any amount which will cause the sums appropriated for such purposes to be exceeded No contracts or purchases not provided for by an appropriation or which shall cause any appropriation to be exceeded shall be valid

All contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of [Highways] Internal Affairs of the Commonwealth

A record of all purchases of material equipment and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of [Highways] Internal Affairs in the annual report

Section 3 Sections 1112 1156 1160 1170 Subdivision (d) of Article 13 and Sections 1401 and 1525 of said act are hereby amended to read as follows

Section 1112 Detours Except in the case of emergencies wherein the safety of the public would be endangered no public road or highway in any township shall be closed to vehicular traffic except upon order of the authorities having charge of the maintenance of such highways nor for a longer period than is necessary for the purpose for which such order is issued Provided however That no public road or highway shall be closed to vehicular traffic when the same has been designated as a detour by the State Department of Highways unless the written consent of the State Department of [Highways] Internal Affairs has first been obtained or unless the authorities having jurisdiction over said road or highway shall by resolution duly recorded on their minutes declare such closing necessary for the protection of the public safety

When any public road or highway shall be closed as hereinbefore provided it shall be the duty of the supervisors authorizing the closing to immediately designate or lay out a detour on which they shall erect or cause to be erected and maintained while such detour is in use legible signs at each public road intersection throughout its entire length indicating the direction to the main highway During the period when such detour is in use it shall be the duty of the authorities closing the main highway to maintain such detour in safe and passable condition It shall also be the duty of the authorities closing the main highway and maintaining the detour to immediately remove all detour signs when the highway originally closed is opened for traffic Said supervisors shall as soon as possible repair the road designated as a detour and place same in a condition at least equal to its condition when designated as a detour Whenever necessary in the creation of a detour as aforesaid the authorities responsible for laying out the detour may enter into agreement with the owners of private lands covering the acquisition of right-of-way privileges over private property for the period when the main highway shall be closed to traffic In the exercise of the rights conferred by this section the authorities responsible are hereby empowered to pay for the necessary maintenance subsequent repair and land rental out of such funds as are available for the construction and/or maintenance of the highways in their charge

Any person who shall wilfully remove deface destroy or disregard any barricade light danger sign detour sign or warning of any other character whatsoever erected or placed under authority of this section or who shall drive on over or cross any highway which has been closed by proper authority shall upon conviction thereof in a summary proceeding before a magistrate alderman or justice of the peace be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution and in default of the payment thereof shall be imprisoned one day for each dollar of fine and costs unpaid Provided however That persons who have no outlet due to the closing of a highway may drive on over or across such highway with the consent in writing of and subject to such conditions as may be prescribed by the authorities responsible for the closing or their agents or contractors without being subject to the penalties imposed by this section

In addition to the penalties herein provided the authorities responsible for the maintenance of a highway which has been closed to vehicular traffic or their agents or contractors may in an action at law recover damages from any person or persons who have damaged a highway by driving on over or across same when it is closed to vehicular traffic in accordance with the provisions of this act

All fines collected under the provisions of this section shall be paid by the officer receiving the same to the treasurer of the township in which the offense was committed

Section 1156 Highway Permits No railroad or street railway shall hereafter be constructed upon any township highway nor shall any railroad or street railway crossings nor any gas pipe water pipe electric conduits or other piping be laid upon on in nor shall any telephone telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in any portion of a township highway except under such conditions restrictions and regulations and subject to the payment of such fees for permits as may be prescribed and required by the State [Highway] Department of Internal Affairs not exceeding the reasonable cost of issuing the permit and expense of inspecting the work authorized by such permit upon completion thereof All fees so collected for permits shall be paid into the State Treasury and shall be credited to the special fund in the State Treasury into which motor vehicle registration and license fees are now

paid and all such permit fees in said fund from time to time are hereby specifically appropriated to the State Highway Department for expenditure for the same purpose and in like manner as that for which the moneys now in said fund may be expended

Section 1160 Duty of Supervisors to Erect The supervisors of townships shall erect posts at the intersection of all public roads and at one of the angles where any public road crosses another public road and shall firmly fix thereon boards or metal signs with index hands pointing to the direction of such roads providing that if a building tree trolley pole telephone pole or telegraph pole is so erected that it can be used in place of a post and permission has been secured from the owner thereof such building tree or pole may be used in place of a post On such boards and signs shall be inscribed in large and legible characters the name of the town village or place to which such roads lead and the distance thereto computed in miles Provided Where any public highway intersects or crosses a State highway application for a permit shall be made by the supervisors to the State Department of [Highways] Internal Affairs for the erecting of such signs

Section 1170 In the construction or repair of any highway in any township it shall be unlawful to raise such highway above the ordinary grade thereof when a drain or culvert shall be constructed under such highway or when such highway shall be constructed or repaired over such drain or culvert This section shall not be construed in any manner to interfere with the work of the State Department of Highways in the reconstruction or improvement of any State highway or State-aid highway or when a township improves a township road under the direction plans and specifications of the State Department of [Highways] Internal Affairs

(d) Effect of Approval of Department of [Highways] Internal Affairs

Section 1315 Whenever authority has been given by the State Department of [Highways] Internal Affairs to township supervisors under existing laws or laws that may hereafter be enacted for the construction repair alteration or maintenance of any township bridge it shall not be necessary for such township supervisors to procure permits from any other department consenting to the construction repair alteration or maintenance of such bridge This section shall not repeal or modify any of the provisions of the [act of the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) known as The Public Service Company law nor the] act of the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provision hereof" except as hereinabove provided

Section 1401 Power of Supervisors to Establish Width and Location of Sidewalks Consents in Certain Cases The supervisors of any township upon the request of any landowner whose land fronts upon a public highway within such township may establish the width grade and location for a sidewalk along one or both sides of said highway along the lands of such owner The width of the walk on each side of said highway shall not be less than six feet for roads fifty feet in width or less and for roads over fifty feet in width shall be ten feet in width When said sidewalks are so established such landowner shall pay for and keep the same in repair

In case the street or highway is a State highway or a county road the written consent of the Department of [Highways] Internal Affairs or the county commissioners as the case may be shall first be obtained

Section 1525 Consents Necessary Townships may construct sewers and drains in and under any county or State highway or State-aid highway within the township boundaries In case of the construction of sewers upon county highways the consent of the county commissioners of the county shall first be obtained and in case of the construction of sewers upon any State highway or State-aid highway the consent of the Secretary of [Highways] Internal Affairs shall first be obtained

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 385, entitled:

An Act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission

The first to the fourth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A temporary State commission is hereby created consisting of three Senators and three other persons to be appointed by the President Pro Tempore of the Senate at least two of whom shall be of the colored race three members of the House of Representatives and three other persons to be appointed by the Speaker of the House of Representatives at least two of whom shall be of the colored race and three other members to be appointed by the Governor at least two of whom shall be of the colored race to examine and report upon the economic cultural health and living conditions of the urban colored population of the State and to recommend such measures as such commission may deem necessary to improve such conditions and to secure to the urban colored population of the State equal opportunity with the general population thereof for self-support and economic and cultural development to the extent if any that such opportunity does not exist

Section 2 Such commission shall select a chairman and a vice-chairman from its own members and may employ counsel and such other assistants as may be needed and may fix their compensation within the amounts made available by appropriation therefor Such commission may meet anywhere in the State may take testimony and subpoena witnesses and require the production of books papers and records

Section 3 The members of such commission shall receive no compensation for their services but shall be entitled to their necessary traveling and hotel expenses incurred in the performance of their duties

Section 4 Such commission shall make a report to the next session of the General Assembly and shall include in such report such amendments or additions to or revision of the law and such other measures as the commission deems necessary to carry its recommendations into effect

The fifth section was read as follows:

Section 5 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby appropriated from any money in the State Treasury not otherwise appropriated payable on requisition of the chairman of such commission on the warrant and audit of the Auditor General

On the question,

Will the House agree to the section?

Mr. WALSH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 5, Line 26, Page 2, by striking out the word "Fifteen" and substituting in lieu thereof the words "Fifty ($50,000)"

On the question,

Will the House agree to the amendment?

Mr. RHODES. Mr. Speaker and members of the House, I might say while I appreciate the very fine attitude on the part of the gentleman on the other side of the House, I do not think fifty thousand dollars will be necessary to carry out the provisions of the bill. I therefore ask that the amendment be voted down.

Mr. WALSH. Mr. Speaker and members of the House, I just want to point out very briefly in regard to the amendment which I have offered: New York State for the same commission appropriated fifty thousand dollars, having a Negro population of four hundred twelve thousand people. New Jersey has a population of two hundred eight thousand people and they have appropriated fifty thousand dollars. Pennsylvania with a population of four hundred thirty-one thousand Negroes is appropriating a miserly fifteen thousand dollars for the institution of this commission.

Mr. Speaker, I don't think we should send a boy on a man's errand. If we are going to do this work honestly and sincerely, we should do it in the right way and give the commission the necessary funds with which to work.

Mr. REYNOLDS. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Rhodes.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. RHODES. Mr. Speaker, I will not.

The SPEAKER. The gentleman from Philadelphia, Mr. Rhodes, refuses to be interrogated.

Mr. REYNOLDS. Mr. Speaker and members of the House, I wanted to find out if Mr. Rhodes was seriously objecting to fifty thousand dollars because I would like to know how he would have those who are vitally interested in this problem operate with fifteen thousand dollars. He refuses to tell me and I will have to use my own discretion.

I am of the opinion that Mr. Walsh has given us a very fine reason, if we in Pennsylvania are going to investigate the condition among Negroes, how in the world can we do it for fifteen thousand dollars. We are not, in the state of Pennsylvania, segregated in one section, we are all over the state. The men work in various fields and this commission will have to travel from city to city, from one part of the state to the other, and it will be utterly impossible with fifteen thousand dollars to do any kind of a job. I am sure Mr. Rhodes knows that fifty thousand dollars will do a better job than fifteen thousand dollars. Why not give this commission sufficient appropriation so that they may be able to function efficiently? Last night on the floor of this House, the minority floor leader called attention to the fact that the Republicans are asking for fifty thousand dollars to give to the Attorney General for something that all legal opinion says cannot be done. We are willing to give fifty thousand dollars for that but when it comes down to human rights to investigate conditions among human beings, to help people make a better living, to help people to be better American citizens, to help them secure work in industry which they should have, we are unwilling to give a similar amount. I tell you it is a sad thing to have the sponsor of this bill rise on the floor of the House and oppose an amendment such as offered by Mr. Walsh. I cannot understand why in the world any group or any political party would come before us Negroes in the state of Pennsylvania and say, "Yes, we will give you a little something, just to shut your mouths up." That is not enough. In 1939 the Negroes in the state of Pennsylvania are demanding that you tell us the truth. If you want to give us an honest, fair investigation, vote for the amendment offered by Mr. Walsh. If you don't, say "no" and vote down the amendment. We don't want a whitewash, we want the truth and we ask that you support the amendment in order that this bill may be effective; put up enough money so that a thorough investigation can be had.

Mr. WOODSIDE. Mr. Speaker and members of the House, under the present condition of the budget it is difficult to find money for the various purposes for which demands are made upon us. I know there are many worthy causes: some are more worthy than others, but there just isn't enough money to give all of these worthy purposes all the money they ought to have. We feel that we have done something in appropriating fifteen thousand dollars to make this investigation and we believe a good, conscientious committee will be able to do a real job. Therefore, I think that this amendment should be voted down.

Mr. RHODES. Mr. Speaker, and members of the House, I have no idea of entering into any controversy with anybody about anything. I did not intend during this session to make any kind of a speech, because I think most people talk too much and they rave and they shout, and after they get through they still haven't said anything.

I sincerely believe what we are trying to do is something constructive and something that will really help. I happen to be a very, very small businessman, and I know that we must have money to do some of the high-sounding things which we talk about so glibly. Before I even put the amount in this bill, I discussed it with Mr. Brown, and I think I discussed it with Mr. Reynolds and others in the House, and we reached the conclusion at that time that it was better to put in a bill for fifteen thousand dollars, some one even suggested ten thousand dollars, but we finally reached the conclusion that fifteen thousand dollars would be sufficient.

I want to apologize to Mr. Reynolds for not answering his question but I did not want to be interrogated because I am positive I know the motive that is back of it and I do not intend to get into a controversy with anybody. I think the bill is a good bill. I think we should have an investigation in Pennsylvania and I feel we will have a thorough investigation if the fifteen thousand dollars is spent wisely and conservatively. There is no one but realizes that with an appropriation of one million dollars or ten million dollars, a much more thorough investigation could be made, but the point is, would the bill pass for fifty thousand dollars? For that reason I am objecting to the amendment, because I think I know the motive behind it. As far as I personally am concerned, I feel it is a bill with a sincere purpose. If it is defeated I am sorry, that is all I have to say about it. I am not going to rise again on the floor of this House.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, this bill is sponsored by Mr. Rhodes, and Mr. Rhodes is apparently satisfied with the amount of the

appropriation. I think he should be given the appropriation with which he is satisfied.

Mrs. FAUSET. Mr. Speaker and members of the House I am in perfect agreement with Mr. Rhodes in thinking it would be a very wise and proper thing for the Legislature to institute some sort of an investigation in connection with the condition of the Negroes who live in our large state of Pennsylvania. There some of us who realize that while it should be brought very sharply to the attention of the white people of this Commonwealth that certain conditions ought to be corrected, I feel this should not be the only thing brought sharply to the attention of those same people.

Since the matter has come up in this way this morning, I believe I would be absolutely derelict in my duty to the group that in part I represent in this House, if I did not bring to the attention of the members of our 1939 Legislature the fact that there are certain bills being held in Committee both in the House and the Senate, which would take care of some of the conditions that Mr. Rhodes is very interested in having investigated. I feel any bill that has been presented, which tends to cover the situation involving an investigation in the interest of the most underprivileged people in Pennsylvania, takes care of certain of the things for Negroes without any specific mention being made of them as a distinct and separate group in our life in Pennsylvania. I know perfectly well and agree with Mr. Walsh in thinking that the sum of fifty thousand dollars would do a very much better job, but on the other hand, if Mr. Rhodes feels that fifteen thousand dollars is the measureof the interest of the Republicans at this time, perhaps that is the bill that ought to be put through.

Mr. Speaker, may I say again that we have in this state more Negroes than there are in the state of New York and if it required fifty thousand dollars to make a comprehensive investigation there, and if with fewer Negroes in the state of New Jersey than we have in Pennsylvania, it took fifty thousand dollars to bring to the attention of the people there the condition of the Negroes, I feel that we here in Pennsylvania, whether or not we are at this moment able to appropriate more than fifteen thousand dollars, should at least recognize the fact that it will take a very much larger sum than that amount to do the thing which I believe every white person in the House is satisfied and perfectly willing to see done in connection with the Negro group in our Commonwealth.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Edwin F. Thompson and Mr. Reynolds and were as follows:

YEAS—64

Achterman,	Harkins,	Melchiorre,	Rosenfeld,
Allen,	Hess,	Mooney,	Rothenberger,
Baker,	Hewitt,	Moran,	Sarraf,
Bohn,	Hindman,	Munley,	Scanlon,
Boney,	Hoffman, S. K.,	O'Brien,	Schrope,
Broad,	Holland,	O'Connor,	Shaw,
Check,	Jirolanio,	O'Keefe,	Stank,
Chervenak,	Keenan,	Ominsky,	Tarr,
Cohen, R. E.,	Kenehan,	Powers,	Thompson, E. F.,
Corrigan,	Kline,	Preston,	Tronzo,
Downey,	Levy,	Readinger,	Walsh,
Falkenstein,	Leydic,	Reese, R. E.,	Weiss,
Fauset,	Long	Regan,	Welsh, E. B.,
Finnerty,	Lovett,	Reynolds,	Welsh, M. J.,
Flanagan,	Malone,	Rider,	Westrick,
Furman,	McLane,	Rooney,	Williams,

NAYS—108

Alspach,	Fiss,	McGarrity,	Sollenberger,
Andrews,	Freed,	McKinney,	Stambaugh,
Atkins,	Gates,	McNally,	Stewart,
Balliet,	Gillan,	McVay,	Stockham,
Balthaser,	Gillette,	Montgomery,	Sweeney,
Bennett,	Goll,	Moser, F. S.,	Tahl,
Boorse,	Habbyshaw,	Moser, J. L.,	Taylor,
Boose,	Haines,	Muir,	Terry,
Bower,	Hall,	O'Dare,	Thistle,
Boyd,	Hamilton,	Peacock,	Thompson, G. R.,
Bronson,	Henry,	Peale,	Tiemann,
Brown, S. W.,	Hoffman, J. N.,	Reagan,	Trout,
Brunner,	Hoyt,	Reese, D. P.,	VanAllsburg,
Cadwalader,	Huntley,	Rhodes,	Van Belle,
Carpenter,	Imbrie,	Riley,	Voorhees,
Christler,	Johnston,	Robertson,	Wagner,
Clark,	Jones,	Rose,	Watkins,
Clearwater,	Knoble,	Roseberry,	Webster,
Cooper,	Kowalski,	Royer,	Wilkinson,
Curran,	Krise,	Sarge,	Wilson,
Dalrymple,	Lee,	Schrock,	Winner,
Denman,	Leisey,	Seif,	Wood, H. M.,
Dick,	Lyons,	Serrill,	Wood, L. H.,
Dix,	Madden,	Shearer,	Wood, N.,
Donahue,	Marr,	Simons,	Woodside,
Eckels,	Matthews,	Sloan,	Yeakel,
Ewing,	McClester,	Snyder,	Turner,

Speaker.

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The sixth section and title were separately read and agreed to as follows:

Section 6 This act shall take effect immediately upon final enactment

An Act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 702, Senate Bill No. 134, Printer's No. 195 and House Bill No. 1362, Senate Bill No. 135, Printer's No. 64, were passed over at the request of the SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1450, as follows:

An Act to amend sections one and two of the act approved the eighteenth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 48) entitled "An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances" by requiring employers to disclose information concerning wages of applicants or recipients of public assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Sections one and two of the act approved the eighteenth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 48) entitled "An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the

amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances" are hereby amended to read as follows

Section 1 Be it enacted et cetera (a) That every bank trust company bank and trust company private banker and building and loan association shall when requested in writing so to do by the [Executive Director of the State Emergency Relief Board] Department of Public Assistance or any County Board of Assistance or by [an] any official legislative investigating committee or by any authorized agent thereof disclose to such [official or] department board committee or authorized agent whether or not any person applying for or receiving [unemployment relief] public assistance or any legally responsible relative of such applicant or recipient has had or had any money on deposit with or invested in such banking institution or building and loan association [within one year] prior to their application for [relief and if so] assistance or at any time thereafter the amount and date of such deposit or investment and the amounts and dates of withdrawals therefrom

(b) That every employer shall when requested in writing so to do by the Department of Public Assistance or any County Board of Assistance or by any official legislative investigating committee or by any authorized agent thereof disclose to such department board committee or authorized agent within thirty (30) days whether or not any person applying for or receiving public assistance or any legally responsible relative of such applicant or recipient has or had received or will receive any money in salary wages commission or other compensation from such employer and if so the amount and date of such salary wages commission or other compensation

Section 2 Any bank trust company bank and trust company private banker [or] building and loan association or employer who or which violates the provisions of section one of this act or who or which makes any false or misleading statement in connection with any disclosure required by said sections shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 657, as follows:

An Act to amend section two and clause (d) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" providing that in certain cases when relief is given milk orders shall be included in such relief

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two and clause b of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" are hereby amended to read as follows

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money milk goods shelter services or burial provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act

"Local Board" means any county board of assistance established under the provisions of this act and shall include any county relief board or Board of Trustees of the Mothers' Assistance Fund or Board of Trustees of Pension Fund for the Blind until abolished in accordance with law

The masculine pronoun includes the feminine

Section 4 General Powers and Duties of Department of Public Assistance

The Department of Public Assistance shall have the power and its duties shall be

* * * *

(b) To establish with the approval of the State Board of Public Assistance rules regulations and standards consistent with the law as to eligibility for assistance and as to its nature and extent Provided However that such rules and regulations shall provide that in any case in which the report of the investigating or interviewing employe shall disclose that there are dependent children of the applicant for assistance or when it shall appear from such report that any other person who is an applicant requires the use of milk for his physical welfare fresh fluid milk shall be provided through orders to milk dealers holding permits from the State Department of Health and the cost thereof shall be a charge against the allowance awarded to the applicant for assistance

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

INTERROGATION

Mr. SHAW asked and obtained unanimous consent to interrogate Mr. Eckels.

The SPEAKER. Will the gentleman from Crawford, Mr. Eckels, permit himself to be interrogated?

Mr. ECKELS. I shall, Mr. Speaker.

Mr. SHAW. Would the gentleman from Crawford be kind enough to explain this bill to the House, explain what it does?

Mr. ECKELS. Mr. Speaker, in answer to the question of the gentleman from Allegheny I would say that this bill will enable the Commonwealth of Pennsylvania to carry out its obligation to the children of Pennsylvania who are unfortunate and who are on relief, in seeing that they are given the proper chance and the proper health measures that they need.

Mr. SHAW. Mr. Speaker, will the gentleman explain to the House how this measure is to be put into effect, how it is to be carried out?

Mr. ECKELS. Mr. Speaker, I don't think it would be very difficult to put it into effect or to carry it out. As I

understand it, we have quite a complicated, trained health department. We have a system now in which we have trained investigators who inquire into the conditions of families, the number of children, and so forth. I believe that information is or should now be available to the Department of Assistance. This bill simply provides that when the reports show that there are children in the families of people on relief, and there are invalids who require milk, as a part of the relief that is given to them, milk orders be issued.

Mr. SHAW. Mr. Speaker, is it not true that the present cash grants to such families provide for milk in accordance with the rules and regulations laid down by the Board of Public Assistance?

Mr. ECKELS. Mr. Speaker, as I understand it, whatever the present rules may provide, relief is given in the form of checks, and if there is any milk given, as I understand it, it is simply condensed milk or canned milk, or something of that kind.

Mr. SHAW. Mr. Speaker, I don't think the gentleman understood my question. I asked him if he did not know that the present checks or present cash allowances given to familiies on the assistance roll cover milk as one of the items to be bought.

Mr. ECKELS. Mr. Speaker, in answer to that question, I will say that I do know that milk is included in the budget for which checks are given, and while I don't want to slander or malign anyone who is on relief, because I know we have many worthy people who are on relief at the present time for the reason that they are unfortunate and can't find work, yet I also know that there are a great many others upon our relief rolls for the reason that the head of the family, the man who should be taking care of the family, is too lazy and shiftless to do his job, and when he gets his relief check, in a great many instances, he spends it at the corner tap room for whiskey and beer for himself, rather than for milk for his children. I feel that milk is necessary for the welfare and the health of the children of this Commonwealth, and it is our duty to see that enough of that relief check is spent for the children and others who need and require it.

Mr. SHAW. Mr. Speaker, granting for the sake of argument that the statement of Mr. Eckels is correct that the heads of some families spent the money that is allotted them for liquor instead of milk, how does the gentleman propose to go about giving these people milk and being assured that it will ultimately reach the ones for whom it is intended, in which of course we are all interested, and at the same time not add a further financial burden on the state, which as the majority floor leader stated this afternoon, is already extremely heavy.

Mr. ECKELS. Mr. Speaker, I don't see, if we have the set up for investigation that we are supposed to have now in the Department of Assistance why this extra expense should be so very heavy. I think a system could be developed for the issuance of these checks in a manner that would not be a great expense, but I say, if it is an additional expense it would be money well spent by this Commonwealth in the fulfillment of its obligation to the children and invalids of the unfortunate people of the Commonwealth. I say milk orders can be given the same as was done before when milk was taken into the homes and used there. If the milk is there, the children will have it available. Statistics show that the consumption of milk has dropped greatly since milk orders were discontinued.

Mr. SHAW. Mr. Speaker, has the gentleman from Crawford any idea how many additional employes will be needed in the Department of Public Assistance, and I am speaking with particular reference to the county boards?

Mr. ECKELS. Mr. Speaker, as I stated before I do not believe it would require any great addition to the present set up.

Mr. SHAW. Mr. Speaker, has the Secretary of Public Assistance given the Chairman of the Welfare Committee any idea as to the additional cost?

Mr. ECKELS. Mr. Speaker, he has not given me any idea as to the additional cost or anything else in connection with the matter. What he has given to the Chairman of the Committee will have to be stated by that Chairman. I have heard in an around about way some things that I have found to be erroneous.

Mr. SHAW. Mr. Speaker, if the Chairman of the Committee on Welfare, Mr. Van Allsburg, has stated that the Secretary of Public Assistance told him this would cost for the next biennium an additional four hundred thousand dollars, would the gentleman say that that was a sensible, logical addition.

Mr. ECKELS. Mr. Speaker, I would want to see the figures and the calculation upon which that figure was based. I don't believe it will cost any such figure as that which has been stated.

The SPEAKER. The Chair feels that the discussion of this bill after it has been agreed to on second reading has proceeded far enough. We would like to go on with the calendar as quickly as possible.

MOTION TO RECOMMIT

Mr. SHAW. Mr. Speaker, I move that House Bill 657, Printer's Number 677 be recommitted to the Committee on Welfare for further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. ECKELS. Mr. Speaker, I will ask the members to vote this motion down for the reason, as I have stated, that the Commonwealth of Pennsylvania has gone on record, if you will read the preamble to the Milk Control Act, as adopting the legislative policy that milk is a health necessity for the people of Pennsylvania, and further, this matter is a matter of vital importance to the rural communities and farmers of our state, as well as to the people on relief. I ask the members to vote "no" on this motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Shaw and Mr. Andrews and were as follows:

YEAS—49

Achterman,	Hess,	Munley,	Rosenfeld,
Allen,	Holland,	O'Brien,	Rothenberger,
Andrews,	Keenan,	O'Connor,	Sarraf,
Baker,	Kenehan	O'Keefe,	Shaw,
Balthaser,	Long,	Ominsky,	Stank,
Bohn,	Lovett,	O'Neill,	Thompson, E. F.,
Boney,	Malloy,	Readinger,	Tronzo,
Brancato,	Malone,	Reese, R. E.	Walsh,
Brown, H. S.,	McLane,	Regan,	Welsh, E. B.,
Cohen, R. E.,	Melchiorre,	Reynolds,	Welsh, M. J.,
Downey,	Mihm,	Rider,	Westrick,
Furman,	Moran,	Rooney,	Williams,
Harkins,			

NAYS—122

Ackermann,	Ewing,	Lichtenwalter,	Simons,
Alspach,	Fiss,	Lyons,	Sloan,
Atkins,	Fleming,	Madden,	Snyder,
Auker,	Foor,	Marr,	Sollenberger,
Balliet,	Freed,	Matthews,	Stambaugh,
Bennett,	Gates,	McClester,	Stewart,
Boorse,	Gillan,	McGarrity,	Stockham,
Boose,	Gillette,	McKinney,	Sweeney,
Bower,	Goll,	McNally,	Tahl,
Boyd,	Habbyshaw,	McVay,	Taylor,
Bretherick,	Haines,	Montgomery,	Terry,
Broad,	Hall,	Mooney,	Thistle,
Bronson,	Hamilton,	Moser, F. S.,	Thompson, G.R.,
Brown, S. W.,	Haudenshield,	Moser, J. L.,	Tiemann,
Brunner,	Henry,	Muir,	Trout,
Cadwalader,	Hewitt,	O'Dare,	VanAllsburg,
Carpenter,	Hindman,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Christler,	Hoyt,	Reagan,	Wagner,
Clark,	Huntley,	Reese, D. P.,	Watkins,
Clearwater,	Imbrie,	Rhodes,	Webster,
Cook,	James,	Riley,	Wilkinson,
Cooper,	Johnston,	Robertson,	Wilson,
Curran,	Jones,	Rose,	Winner,
Dalrymple,	Kline,	Roseberry,	Wood, H. M.,
Denman,	Knoble,	Royer,	Wood, L. H.,
Dick,	Kowalski,	Sarge,	Wood, N.,
Dix,	Krise,	Schrock,	Woodside,
Donahue,	Lee,	Self,	Yeakel,
Eckels,	Leisey,	Serrill,	Turner,
Ely,	Leydic,	Shearer,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

PARLIAMENTARY INQUIRY

Mr. TRONZO. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. TRONZO. Mr. Speaker, I was on my feet to present an amendment when the bill was called up and the Speaker did not recognize me.

The SPEAKER. The Chair regrets that the gentleman was not recognized but the fact is the Chair did not hear the gentleman from Allegheny, Mr. Tronzo, ask for recognition until the gentleman from Allegheny, Mr. Shaw had arisen at which time the bill had already passed second reading.

MOTION TO POSTPONE

Mr. TRONZO. Mr. Speaker, I move that House Bill No. 657, Printers No. 677, be placed on the postponed calendar.

The motion was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1448, as follows:

An Act to amend sections one hundred two four hundred three and five hundred one and subsection (c) of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" by defining "Public Charge" and providing for loss of settlement under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one hundred two four hundred three and five hundred one and subsection (c) of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" are hereby amended to read as follows

Section 102 Definitions As used in this act unless the context otherwise indicates

"Commissioners" means the county commissioners of the county

"County" means every county of this Commonwealth except a county of the first class The word county shall not be construed to include territory within any city of the second class

"Institution District" means a county or city institution district managed by the commissioners of the county or the department of public welfare of any city of the first or second class as the case may be

"Dependent" means an indigent person requiring public care because of physical or mental infirmity

"Independent Poor District" means a poor district which is not coterminous with a county but shall not be construed to apply to a poor district of a county of the second class or a city of the second class

"Institution" means an infirmary poorhouse almshouse hospital or sanitarium managed by the commissioners of the county or the department of public welfare of a city of the first or second class

"Poor Auditor" means an elected or specially appointed auditor of independent poor districts

"Municipality" means any city (except a city of the first and second class) borough incorporated town or township

"Local Authorities' means the county commissioners acting as officers of an institution district or the department of public welfare of any city of the first or second class

"Poor Director" means a director overseer guardian or manager of any poor district or home for the destitute as now constituted

"Public Charge" shall mean a person who is unable to maintain himself and who requires and receives aid from the Commonwealth or from any political subdivision thereof

The masculine pronoun shall include the feminine

Section 403 Provision for Burial of Dependents and Other Persons Except as otherwise provided by law the

local authorities of any institution district shall provide for the burial of any person [dependent] who dies in the county or city [or any person who dies suddenly within the county or city] unless his body is claimed by a relative by blood or marriage or by a friend or by his fraternal or veterans' organization or by a charitable organization or by the Anatomical Board of the State of Pennsylvania and is buried at the expense of such relative friend or organization No such burial shall cost more than seventy-five dollars

Section 501 Settlement

(c) The settlement of a person in an institution district continues until a new one is acquired in this Commonwealth or elsewhere A settlement is lost only by acquiring a new one except that a person who has settlement in this Commonwealth and who is residing in another state shall be deemed to have lost settlement in this Commonwealth if a person from such other state in like circumstances could have acquired settlement in this Commonwealth by residence in this Commonwealth as hereinafter provided and except that a person having settlement in this Commonwealth who has been absent therefrom and who has been residing in another state shall be deemed to have lost settlement in this Commonwealth if a resident of such other state who is residing in this Commonwealth would lose settlement in such other state as a result of absence therefrom for a period of equal duration or for a period of lesser duration"

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1372, Senate Bill No. 129, Printer's No. 65, was passed over at the request of the SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1445, as follows:

An Act to amend subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by exempting certain property from execution in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" is hereby amended to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency [whether] if such property was owned [at] during the time such expenses were incurred or [acquired thereafter] if the right to ownership of such property existed or was acquired during the time such expenses were incurred Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments except as to the real and personal property comprising the home and furnishings of such indigent person which home shall be subject to the lien of such judgment but shall not be subject to execution on such judgment during the lifetime of the indigent person

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1309, as follows:

An Act to further amend section one thousand two hundred seven of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by requiring magistrates to report to local authorities fines and penalties collected and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred seven of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fee and miscellaneous receipts making an appropriation and providing for refunds" as

amended by section three of the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 1207 Disposition of Fines and Forfeitures (a) All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited shall be paid to the department and transmitted to the State Treasury and credited to the "General Fund" except those collected for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) one thousand and twenty-eight (1028) of this act committed within cities boroughs incorporated towns and townships which fines and penalties and all bail forfeited shall be paid to the treasurer of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof Provided That all fines and penalties collected and all bail forfeited for violations of the provisions of section one thousand and sixteen (1016) committed within cities boroughs and incorporated towns shall be paid to the treasury of the city borough or incorporated town wherein the violation occurred to be used by such city borough incorporated town for the construction repair and maintenance of the highways thereof And provided further That all fines and penalties collected and all bail forfeited for violations of the provisions of subsection (f) of section six hundred twenty (620) shall be paid to the treasury of the county wherein the violation occurred to be used by such county for the payment of physicians' fees for the examination of persons accused of violating the provisions of the said section Any balance remaining in the treasury of the county at the expiration of the calendar year and not payable for physicians' services rendered shall be used for county highway purposes

(b) Sworn statement of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate or other officer imposing or receiving the same to the secretary upon forms furnished by the department such reports shall be made monthly not later than the tenth (10th) day of the following month Magistrates shall also report monthly to the authorities of the respective townships boroughs and cities all fines and penalties collected under the provisions of this act for violations of the same

Penalty Any magistrate or other officer who shall fail to make such monthly reports and returns or either of them or shall fail to make a monthly report to local authorities of fines and penalties collected shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of five hundred ($500.00) dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1408, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the seccond class and amending revising consolidating and changing the law relating thereto" providing for the appointment of boards of health and health officers conferring powers and imposing duties upon said boards and health officers and conferring certain powers upon the Secretary of the State Department of Health

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding after article seven a new article to read as follows

ARTICLE VII-A

Section 701-A Appointment of Boards of Health and Health Officers The Administration of the health laws in townships shall be enforced by a board of health or by a health officer or officers as the case may be appointed by the township supervisors

Where township supervisors elect to appoint a health officer or officers the said health officer or officers shall have the same powers and duties and exercise the same authority as is now prescribed for boards of health in townships All health officers whether appointed by boards of health or township supervisors shall have had some experience or training in public health work in accordance with rules and regulations established by the advisory health board of the State Department of Health Such health officer shall not enter upon the performance of their duties until they are certified so to do by the Secretary of Health of the State Department of Health

Section 702-A Members of Board Terms Secretary Where the township supervisors decide to appoint a board of health said board shall be composed of five members at least one of whom shall be a reputable physician of not less than two years experience in the practice of his profession if one resides within the township The members of the board shall be appointed by the township supervisors At the first appointment one member shall be appointed to serve for one year one for two years one for three years one for four years and one for five years and thereafter one member shall in like manner be appointed each year to serve for five years The members of the board of health shall serve without compensation Provided however If any member of the board shall be elected to the office of secretary he shall be entitled to receive a salary fixed by the board for that office

Section 703-A Organization of Board Salary of Secretary Bonds of Members Fees and Penalties Power to Adminster Oaths The members of the board shall severally take and subscribe to the oath prescribed for township officers and shall annually organize by electing a president from among the members of the board a secretary who may or may not be a member of the board and a health officer who shall not be a member of the board The secretary and the health officer shall receive such salary as may be fixed by the board and ratified by the township supervisors and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified They shall severally give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties and shall also take and subscribe to the oath required by members of the board

All fees which shall be collected or received by the board or by any officer thereof in his official capacity shall be paid over into the township treasury monthly together with all penalties which shall be recovered for the violation of any regulation of the board The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation touching the regulations of the board but shall not be entitled to receive any fee therefor

Section 704-A Duties of Secretary the secretary of the board shall keep the minutes of its proceedings shall keep accurate accounts of the expenditures of the board shall transmit all bills to the board of township supervisors for payment in the same manner as other bills of the townships are paid shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require shall prepare under the directions of the board the annual report to the township supervisors together with the estimate of appropriation

needed for the ensuing year shall report to the State Department of Health at the end of each week and for the fraction of each week occurring at the end of each month the cases of communicable disease reported to the board of health on the form provided for that purpose by the State Department of Health shall also make an annual report to the State Department of Health and shall make such other reports and perform such duties as the board of health may require

Section 705-A Duties of Health Officer It shall be the duty of the health officer to attend all stated and special meetings of the board of health and at all times be ready and available for the prompt performance of his official duties He shall placard and quarantine all premises upon which cases of communicable disease exist which have been reported to the board of health or of which he or the board of health may have knowledge which are required by law or by regulation of the State Department of Health or of the local board of health to be placarded and quarantined and shall disinfect such premises upon the expiration of the quarantine period and the recovery of the last person therein suffering from such diseases He shall serve written notice on teachers and persons in charge of public parochial Sunday and other schools requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases shall make sanitary inspection shall execute the orders of the board of health and shall in the performance of his duties have the power and authority of a policeman

Section 706-A Powers of Board of Health the said board of health shall have the power and it shall be its duty to enforce the laws of the Commonwealth the regulations of the State Department of Health and any ordinances of the township relating to health work and to make and enforce such additional rules and regulations to prevent the introdution and spread of infectious or contagious diseases by the regulation of intercourse with infected places by the separation of infected persons and persons who shall have been exposed to any infectious or contagious disease and by abating and removing all nuisances which it shall deem prejudicial to the public health to mark infected houses or places to prescribe rules for the construction and maintenance of house drains wash pipes soil pipes and cesspools and make all such other rules and regulations as it shall deem necessary for the preservation of the public health and such other powers relating to health work as may be delegated by the township supervisors The board shall also have power with the consent of the township supervisors in case of a prevalence or apprehended prevalence of any contagious or infectious diseases in its township to establish one or more emergency hospitals and to make provisions and regulations for the maintenance and management of the same

The board shall also have the power to make enforce and cause to be published all necessary rules and regulations for carrying into effect the powers and functions with which it is invested by law and the power and authority relating to the public health conferred on townships Such rules and regulations when approved by the township supervisors and when advertised in the same manner as other ordinances shall have the force of ordinances of the township All penalties or punishments prescribed for the violation thereof as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect shall be recoverable for the use of the township in the same manner as penalties for violation of the ordinances of the township and subject to the like limitations as to the amount thereof

Section 707-A Entry of Premises The board of health shall have the power as a body or by committee as well as the health officer together with their assistants subordinates and workmen under and by order of the said board to enter at any time upon any premises in the township upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health for the purpose of examining and abating the same and for any other purpose arising in connection with or in the performance of their duties

Section 708-A Inspections The board of health may inspect house drains waste and soil pipes cesspools waterclosets slaughterhouses hogpens stables stable yards and any conditions or places whatsoever in the township which may constitute a nuisance or a menace to public health Whenever any condition or place in the township is found by it to be a nuisance or a menace to the health of the people of the township it shall issue a written order of abatement directed to the owner or agent of the owner of the premises or to the occupant thereof stating that the conditions specified therein constitute a nuisance or a menace to health and ordering an abatement thereof within such time as may be specified by it in such order In case such order of abatement is not obeyed within the time specified therein it shall thereupon issue a further written order to the health officer directing him to remove or abate the same which order shall be executed by him and his subordinates and workmen and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed in the same manner as debts of like character are now collected by law or the said board of health may proceed to enforce such other remedy or inflict such penalty as may by ordinance of the township be provided

Section 709-A Budget Appropriations It shall be the duty of the board of health or appointed health officer or officers to submit annually to the township supervisors before the commencement of the fiscal year an estimate of the probable expenditures of the board during the ensuing year and the township supervisors shall then proceed to make such appropriations as may be deemed necessary and the said board of health health officer or officers shall in the month of January of each year submit a report in writing to the township supervisors of its appropriation and expenditures for the preceding year together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary and council or township supervisors shall publish the same in their official journal

Section 710-A Cooperation in Health Work Any township may cooperate with the county or with any city borough township or school district as well as with the State Department of Health in the administration and enforcement of health laws

Section 711-A Powers of Secretary of Health Whenever in the opinion of the Secretary of Health of the Commonwealth conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the corporate limits of such township or if it be known to him that any township is without an existing or efficient board of health or health officer or officers the Secretary of Health may enter and take full charge of and administer the health laws regulations and ordinances in such township and may continue in charge thereof until he shall decide that a competent and efficient board of health or health officer or officers has been appointed and qualified for such township and is ready able and willing to assume and carry into effect the duties imposed upon it by law

Section 712-A Expenses Incurred by Board or Secretary of Health All expenses incurred by any local board of health its officers or employes in the performance of the duties imposed upon it by law and all expenses incurred by the Secr tary of Health in accordance with the provisions of the preceding section shall be paid by the township wherein such duties are performed in the same manner as other expenses of such township are paid

Section 713-A Suits by State Secretary of Health to Recover Expenses Whenever expenses incurred by the State Secretary of Health in the administration of health laws in any township in accordance with the provisions of this act shall remain unpaid by said township for a period of more than three months after a statement of such expense has been rendered by him to such township and demand for payment by him made he shall with the approval of the Governor institute in the name of the Commonwealth as plaintiff an action of assumpsit against such township for the collection of such expense from the town-

ship in the same manner as debts of like amount are collected by law Provided however That upon the trial of any such action of assumpsit the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination

Section 714-A Payment of Expenses Recovered Into State Treasury All expenses incurred by the State Secretary of Health in the administration of health laws in any township when paid to him by such township or when collected by him shall be returned by him to the State Treasurer who shall credit the amount so received to the appropriation made to the Department of Health

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. HEWITT. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. GATES. Mr. Speaker, I desire to interrogate the gentleman from Indiana.

The SPEAKER. Will the gentleman from Indiana, Mr. Hewitt, permit himself to be interrogated?

Mr. HEWITT. Mr. Speaker, much as I hate to, I will.

Mr. GATES. Mr. Speaker, it is rather customary, when such a motion is made, that the gentleman who makes the motion consult with the sponsor of the bill.

I would like to ask the gentleman why he insists on recommitting this bill at this time, because he knows that we hope to adjourn on the 26th, and if this bill is recommitted it will be impossible to get it through. If the gentleman desires, I would be delighted to ask that the bill go over in its order and consult with him about this matter.

MOTION WITHDRAWN

Mr. HEWITT. Mr. Speaker, I first wish to apologize to the gentleman from Armstrong, Mr. Gates, for not complying with one of the strict rules of procedure.

I might say that the bill has been in the Committee on Townships where, personally, I believe it should not have been sent. It is a health measure, it affects second class townships in my county, with reference to health boards. In my opinion it duplicates the work that the health boards are now doing in those townships. I am perfectly willing to have it passed over if the sponsor wishes to talk to me about it later. I will withdraw my motion to recommit.

BILLS PASSED OVER

There being no objection House Bill No. 1461, Senate Bill No. 235, Printer's No. 126 and House Bill No. 1434, Senate Bill No. 461, Printer's No. 100 were passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1435, (Senate Bill No. 462), entitled:

An Act to amend Clause 2 of Section 1 and Sections 4 6 7 8 and 14 of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" by extending the provisions of the act to children under eighteen years of age.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause 2 of Section 1 and Sections 4 6 7 8 and 14 of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

(2) The word "child" as used in this act means a minor under the age of [sixteen] eighteen years

Section 4 Initiation of Proceedings The Powers of the court may be exercised

1 Upon the petition of any citizen resident of the county setting forth that (a) a child giving his or her name age and residence is neglected dependent or delinquent and is in need of care guidance and control (b) the names and residence of the parents if any or of his or her legal guardian if there be one (c) the name and residence of the person or persons having control of the child and (d) the name and residence of the nearest relative if no parent or guardian can be found

2 Upon commitment by a magistrate alderman or justice of the peace of a child arrested for any indictable offense other than murder or for the violation of any other laws of this Commonwealth or the ordinance of any city borough or township

3 There shall be no preliminary hearings in any cases affecting dependent delinquent or neglected children under the age of [sixteen] eighteen years

Section 6 Preliminary Orders Temporary Custody of Children Upon the filing of any petition as above set forth or the commitment of a child by any magistrate alderman or justice of the peace the judge holding the juvenile court shall if after preliminary inquiry he deems the same necessary make all necessary orders for compelling the production of such child and the attendance of parents or other person or persons having the custody or control of the child or with whom the child may be

Pending the final disposition of any case the child shall be subject to the order of the court and may be permitted by the court to remain in the control of his or her parents or the person having him or her in charge or in charge of a probation officer or the child may be placed by the court in the custody of any association or society having for one of its objects the care of dependent delinquent or neglected children or may be ordered by the court to be kept and maintained in some place provided by the county for such purposes Provided That if such child is sixteen years of age or over and less than eighteen years of age he or she may be confined in any place of detention maintained and provided for the custody of adults awaiting trial

Section 7 Certain Commitments Prohibited Special Rooms for Detention of Children No child under sixteen years of age pending or after hearing before the juvenile court shall be confined in any county jail workhouse police station lockup or other institution in which adults are confined or be placed in any court room during the trial of adults unless his or her presence be required in the prose-

cution of adults upon order of the judge presiding at the trial of such adult or adults or in any vehicle in company with adults charged with or convicted of crime

The county commissioners in each county shall provide furnish and heat a separate room or rooms or a suitable building to be used exclusively for the confinement of all children under sixteen years of age who may be in custody awaiting hearing in the juvenile court of the county and shall provide for the maintenance and care of such children while in custody

Section 8 Hearing Court Orders At the hearing or any continuation thereof the judge or judges shall after an inquiry of the facts determine whether the best interests and welfare of a child and the State require the care guidance and control of such child and shall make an order accordingly

The court may

(a) Allow a child to remain in his home under the care of his or her parent or parents or place such child in a suitable family home subject in either case to the supervision and guardianship of a probation officer and may require such child to report to the probation officer as often as deemed necessary and may require such child to be returned to the court for further proceedings whenever the same appears to the court to be necessary

(b) Commit a child to the care guidance and control of some reputable citizen of good moral character subject to the supervision of a probation officer and to report as required in clause (a) of this section

(c) Commit a child to some suitable institution or to the care of an incorporated association or society one of whose objects is the care guidance and control of delinquent dependent and neglected children and which is willing to receive said child

(d) Commit a child to an industrial or training school or county institution or school maintained for such purpose willing to receive it for care guidance and control

(e) Commit any child over the age of sixteen years to any state industrial school or home for the reformation and correction of youths above the age of sixteen

No dependent neglected or delinquent child shall hereafter be committed to any industrial or correctional school or institution whatsoever by any magistrate alderman or justice of the peace any existing law to the contrary notwithstanding

Section 14 Transfer of Cases from the Criminal Courts If during the pendency of a criminal charge other than murder against any person in the court of quarter sessions or oyer and terminer it shall be ascertained that the person charged with the offense was under the age of sixteen years at the time the alleged offense was committed it shall be the duty of such court to transfer such case immediately together with all the papers documents and testimony connected therewith to the juvenile court If such child is sixteen years of age or over and less than eighteen years of age such court may at its discretion transfer such cases to the juvenile court in the same manner The judge making such transfer shall order the child to be taken forthwith to the place of detention provided for dependent neglected and delinquent children or release such child in the custody of some suitable person or probation officer with directions to appear before the juvenile court at a time to be fixed at which time the judge of the juvenile court shall thereupon proceed to hear and dispose of the case in the manner provided by this act

On the question,

Will the House agree to the section?

Mr. STOCKHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 2, by striking out the word: "and"

Amend Sec. 1, page 2, line 2, by inserting after the figure "14" the following "and 18"

Amend Sec. 1 (Sec. 4), page 3, line 6, by striking out the following "[sixteen] eighteen" and inserting in lieu thereof: "sixteen"

Amend Sec. 1 (Sec. 4), page 3, line 6, by inserting after the word "years" the following: "nor in cases affecting dependent or neglected children between the ages of sixteen years and eighteen years."

Amend Sec. 1, page 6, line 17, by inserting at the end thereof the following: "Section 18. Trial of Certain Cases Upon Indictment. Whenever any child, being above the age of fourteen years, and under the age of sixteen years, has been held by any magistrate, alderman or justice of the peace for any offense, other than murder, punishable by imprisonment in a State penitentiary, or whenever any child being above the age of sixteen years and under the age of eighteen years has been held by any magistrate, alderman or justice of the peace for any criminal offense, the judge of the juvenile court having jurisdiction, if, in his opinion, the interests of the State require a prosecution of such case on an idictment, may certify the same to the district attorney of the county, who shall thereupon proceed wih the case in the same manner as though the jurisdiction of the juvenile court had never attached. Nothing in this act contained shall be in derogation of the powers of the courts of quarter sessions and of oyer and terminer to try, upon an indictment, any delinquent child whose case may, as above provided, have been certified to the district attorney, and who may, in due course, be brought to trial before such court.

"Nothing in this section shall be construed to repeal any of the provisions of an act, approved the fifth day of May, one thousand nine hundred and eleven, entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," or the amendments thereto; nor to repeal any of the provisions of an act, approved the twelfth day of July, one thousand nine hundred and thirteen, entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," or the amendments thereto."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend Clause 2 of Section 1 and Sections 4 6 7 8 and 14 of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" by extending the provisions of the act to children under eighteen years of age

On the question,

Will the House agree to the title?

Mr. STOCKHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 2 of title, by striking out the word: "and"

Amend title, page 1, line 2 of title, by inserting after the figure "14" the following: "and 18"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objections House Bill No. 1480, Senate Bill No. 486, Printer's No. 188; House Bill No. 1442, Senate Bill No. 422, Printer's No. 96; House Bill No. 1468, Senate Bill No. 492, Printer's No. 102; House Bill No. 1467, Senate Bill No. 458, Printer's No. 132 and House Bill No. 1439, Senate Bill No. 408, Printer's No. 95 were passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 252, as follows:

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the remedies and procedure now provided by law in non-support and desertion cases any court of record having jurisdiction in such cases may proceed therein upon the petition of any person or persons concerned or of anyone in their behalf presented to the court and setting forth the facts of said desertion or failure to support and shall render judgment and afford relief in such cases to the same extent and with the same force and effect as though the proceeding had been by information and warrant as heretofore provided by law

Section 2 Upon presentation of such petition to said court the judge thereof shall fix the time for hearing the complaint and shall make an order to procure the attendance in court at the time so fixed of the person or persons against whom said petition has been filed and to that end may direct that notice by personal service or otherwise of the time and nature of the hearing be given to said person or persons or may forthwith issue a warrant of arrest for the apprehension and detention of said person or persons and require said person or persons to enter into a recognizance with surety in an amount fixed by said judge conditioned for the appearance of said person or persons at the hearing in court upon said complaint

Section 3 If at the time of hearing said husband or father does not appear whether there be due proof of the service notice of the time and nature of the hearing upon him or them or not the court may issue a warrant of arrest or other appropriate process to procure the presence of said person or persons at an adjourned session of said court to which the hearing of the complaint may be continued

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1456, Senate Bill No. 140, Printer's No. 123 was passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1411, as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by changing the pay of jurors in counties of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the time this act takes effect the pay of jurors [in this Commonwealth] in counties of the first class shall be [three] five dollars [($3)] ($5) per day and in all other counties shall be three dollars ($3) per day together with mileage at the rate of six cents (6c) for each mile going to and returning from the county seat and the pay of witnesses shall be two dollars ($2) per day together with the mileage at the rate of three (3c) for each mile going to and returning from the county seat

Section 2 The provisions of this act shall become effective the first day of January one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objections House Bill No. 1492, Senate Bill No. 796, Printer's No. 163 and House Bill No. 1491, Senate Bill No. 795, Printer's No. 159, were passed over at the request of the SPEAKER.

COMMITTEE MEETINGS

The Committee on Banking will meet immediately after recess in Room 324.

The Committee on State Government will meet immediately after recess in Room 333.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 3 p. m.

The Chair hears none and declares a recess until 3 p. m.

AFTER RECESS

The House reconvened at 3 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 93.

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts

HOUSE BILL No. 322.

An Act to repeal the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

HOUSE BILL No. 239.

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes

HOUSE BILL No. 296.

An Act to validate mortgage sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales

HOUSE BILL No. 345.

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL No. 346.

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL No. 482.

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission

HOUSE BILL No. 538.

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws 13) entitled "An act in relation to abandonment of portions of railroads"

HOUSE BILL No. 718.

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

HOUSE BILL No. 720.

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-three) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time

HOUSE BILL No. 762.

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising,, consolidating, and changing the law relating thereto;" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

HOUSE BILL No. 804.

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from certain provisions of said act

HOUSE BILL No. 890.

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" limiting the number of days for the completion of audits in townships of the first class.

HOUSE BILL No. 962.

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors

HOUSE BILL No. 963.

An Act to amend section one of an act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad com-

panies approved the neineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State

HOUSE BILL No. 1225.

An Act to further amend clause (f) of section twelve of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estates as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated

HOUSE BILL No. 1371.

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (Pamphlet Laws 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 331, as follows:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The practice of selling certain items of merchandise at cost or less than cost in order to attract patronage is generally a form of deceptive advertising and an unfair method of competition in commerce and

Whereas Such practice causes commercial dislocations misleads the consumer works back against the farmer directly burdens and obstructs commerce and diverts business from dealers who maintain a fair price policy and

Whereas Bankruptcies among merchants who fail because of the competition of those who use such methods result in unemployment disruption of leases and nonpayment of taxes and loans and contribute to the inevitable train of undesirable consequences including economic depression now therefore

Section 1 This act shall be known and designated and may be cited as the "Unfair Sales Act"

Section 2 (a) When used in this act the term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer or the replacement cost of the merchandise to the retailer with thirty (30) days prior to the date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise (2) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than four per cent of the total cost at retail outlet

(b) When used in this act the term "cost to the Wholesaler" shall mean the invoice cost of the merchandise to the wholesaler or the replacement cost of the merchandise to the wholesaler within thirty (30) days prior to date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise and (2) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than two per cent of the total cost at the wholesale establishment

(c) Where two or more items are advertised offered for sale or sold at a combined price the price of each item named shall be governed by the provisions of paragraph (a) or (b) of section two respectively

(d) The terms "cost to the retailer" and "cost to the wholesaler" as defined in paragraphs (a) and (b) shall mean bona fide costs and sales to consumers retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as a basis for computing costs with respect to sales by retailers and wholesalers

(e) The terms "sell at retail" "sales at retail" and "retail sale" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or in the usual prosecution of the seller's business of title to tangible personal property to the purchaser for consumption or use other than resale or further processing or manufacturing The above terms shall include any transfer of such property where title is retained by the seller as security for the payment of such purchase price

(f) The terms "sell at wholesale" "sale at wholesale" and "wholesale sales" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or the usual prosecution of the seller's business of title to tangible personal property to the purchaser for purposes of resale or further processing or manufacturing The above terms shall include any such

transfer of property where title is retained by the seller as security for the payment of the purchase price

(g) The term "retailer" shall mean and include every person copartnership corporation or association engaged in the business of making sales at retail or performing the retail function within this State provided that in the case of a person partnership corporation or association engaged in the business of making sales both at retail and at wholesale such terms shall be applied only to the retail portion of such business

(h) The term "wholesaler" shall mean and include every person partnership corporation or association engaged in the business of making sales at wholesale or performing the wholesale function within this State Provided That in the case of a person partnership corporation or association engaged in the business of making sales both at wholesale and retail such terms shall be applied only to the wholesale portion of such business

(i) Every person partnership corporation or association engaged in the business of making sales at retail as defined in this act within this State which in addition to such business shall purchase merchandise and commodities for sale at retail from manufacturers packers processors growers or producers thereof without resort to a wholesaler as such shall be taken deemed and construed for the purpose of this act to be engaged in business both as a wholesaler and retailer as defined in this act and as such shall be subject to both the retail and wholesale mark-up provisions of this act

Section 3 It is hereby declared that advertisement offer to sell or sale of any merchandise either by retailers or wholesalers at less than cost as defined in this act with the intent effect or result of unfairly diverting trade from or otherwise injuring a competitor or with the result of deceiving any purchaser or prospective purchaser substantially lessening competition unreasonably restraining trade or tending to create a monopoly in any line of commerce is an unfair method of competition contrary to public policy and in contravention of the policy of this act

Section 4 Any retailer who shall in contravention of the policy of this act advertise offer to sell or sell at retail any item of merchandise at less than cost to the retailer as defined in this act or any wholesaler who shall in contravention of the policy of this act advertise offer to sell or sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this act or any person partnership corporation or association engaged in business both as a wholesaler and retailer as defined in this act who shall in contravention of the policy of this act advertise offer to sell or sell any item of merchandise at less than cost subject to both the retail and wholesale mark-ups provided by this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) and costs of prosecution and in default thereof shall undergo imprisonment for not more than ten (10) days Proof of any such advertisement offer to sell or sale by any retailer or wholesaler in contravention of this policy of this act shall be prima facie evidence of a violation of this act

Section 5 In addition to the penalties provided in this act the courts of this State are hereby vested with jurisdiction to prevent and restrain violations of this act and it shall be the duty of the several district attorneys in their respective districts to institute proceeding in equity to prevent and restrain violations Any person shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any threatened loss or injury by reason of a violation of this act

Section 6 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales if advertised marked and sold as such (b) where perishable merchandise must be sold promptly in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes or to relief agencies (f) where merchandise is sold on contract to departments of the government or governmental institutions (g) where the price of merchandise is made in good faith to meet legal competition (h) where merchandise is sold by any officer acting under the order or direction of any court

Section 7 If any section sentence clause or provisions of this act shall for any reason be held invalid or unconstitutional the validity of the remaining parts hereof shall not be affected thereby

Section 8 The provisions of this act shall become effective sixty (60) days after final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan	Rider,	Williams,
Dalrymple,	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordred, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 373, as follows:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In wills deeds of trust or other instruments creating trusts becoming effective hereafter provisions directing that extraordinary dividends declared upon corporate stock held in trust whether payable in cash stock rights to subscribe to stock of the issuing or another corporation or otherwise or directing that profits realized from such stock either upon its sale or upon the sale or dissolution of the issuing corporation or otherwise shall be treated in whole or in part either as principal or income shall be valid and enforceable

Section 2 Section nine of the act approved the eighteenth day of April one thousand eight hundred and fifty-three (Pamphlet Laws 503) entitled "An act relating to the sale and conveyance of real estate" and the amendments thereto are hereby repealed in so far as they are inconsistent herewith

All other acts and parts of acts are hereby repealed insofar as they are inconsistent herewith

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neil,	VanAllsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 480, as follows:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All positions in bureaus of fire except as here and after provided and all positions of fire alarm operators and fire alarm box inspectors in bureaus of electricity in cities of second class shall be in the competitive class of the civil service of such cities This act shall not apply to or include chief officers of bureaus of fire under the director of the department by whatever title his position may be designated nor his ranking deputy by whatever title his position may be designated nor to chief clerks in bureaus of fire in such cities

Section 2 The Civil Service Commissions in cities of the second class shall not have the power to change any rule or regulation which shall have been established and which is in force and effect on the date of the approval of this act insofar as the same shall apply to the positions provided in this act to be in the competitive class nor shall any such Commission have the power to waive any such rule or regulation in any specific case or cases

Section 3 Each applicant for original appointment to a position in the competitive class in any bureau of fire in any city of the second class or to the position of fire alarm operator or fire alarm box inspector in any bureau of electricity in any such city shall undergo a physical examination which shall be conducted by a Commission composed of doctors of medicine appointed for that purpose by the mayor Said Commission shall certify to the Civil Service Commission that the applicant is free from bodily or mental defects deformities or diseases that might incapacitate him from the performance of the duties of the position he is seeking before such applicant shall be permitted to take any further examination No application for such appointment shall be received from any person who is under twenty-one years of age or over thirty-five years of age at the date of his application Nor shall any such application be received from any person who shall not have been a bona fide resident of the city for one year next preceding the date of his application Provided however That any applicant for reinstatement as a member of the bureau of fire or as a fire alarm operator or as a fire alarm box inspector of any such city in which he makes such application who shall have served previously as an employe in such bureau for a period of more than six months and who at the time of his application for reinstatement shall be a resident of such city shall be eligible for such reinstatement even though such applicant shall be over the age of thirty-five years.

Section 4 Reinstatements as employees in said bureaus of fire and as fire alarm operators and fire alarm box inspectors in said bureaus of electricity may be made without any restriction or restrictions as to time No examination other than a physical examination as directed by the Civil Service Commission shall be required in any case of reinstatement Any person so reinstated shall be the lowest in rank in the bureau in which he shall be reinstated next above the probationers in such bureau

No person employed in a competitive position in any bureau of fire or as a fire alarm operator or as a fire alarm box inspector in any bureau of electricity in any city of the second class shall be eligible for promotion from a

lower grade to a higher grade until such person shall have completed at least two years' service in said lower grade

Section 5 No employee in the competitive class in any bureau of fire in any city of the second class shall be removed discharged or suspended for a period exceeding ten (10) days as a penalty or reduced in rank or pay without his written consent except for just cause which shall not be religious or political nor in any event except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor and approved in writing by the mayor which court shall be composed of three persons employed in said bureau of fire equal or superior in rank therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the Director of the Department of Public Safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother employee or an attorney-at-law to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the Director of the Department of Public Safety to perform their duties impartially and without fear or favor and the person of highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth If said persons shall be equal in rank then the persons composing such court shall select one of their number to exercise said authority Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the employee concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision shall authorize the Director of the Department of Public Safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service It shall be lawful for the Director of the Department of Public Safety at his discretion to suspend from duty before trial any employee charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than one month after the charge has been made

Section 6 The members of such court of inquiry or trial shall be selected as follows The Director of the Department of Public Safety shall in the presence of the employee charged and his brother officer or attorney-at-law acting as his counsel as aforesaid cause the names of at least fifty employees of the bureau of fire who hold a position in the competitive class equal or superior in rank to the employee under charges to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box or other receptacle properly adapted for the drawing therefrom of names by law as hereinafter provided Said fifty names so deposited shall be provided as follows The Director of the Department of Public Safety shall supply twenty-five thereof and the employee so charged shall supply twenty-five thereof When said names shall have been so deposited in said box or receptacle the same shall be thoroughly shaken by some disinterested person until said slips of paper shall have been thoroughly mixed and thereupon such disinterested person shall draw therefrom singly and by law seven names and the Director of the Department of Public Safety and the person so charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose said court either of trial or inquiry as the case may be In the event that there should not be fifty employes of the Bureau of Fire holding positions in the competitive class equal or superior in rank to the employee under charges then the names of all such employees equal or superior in rank to the employee under charges shall be so placed in said box and drawn therefrom and said court of trial or inquiry selected in the manner hereinabove described or as nearly in such manner as may be possible in the circumstances Any employee so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen Any employee so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said court of inquiry or trial duly certified by the official reporter

After said decision of said court shall have been duly determined certified in writing to the mayor and approved by the mayor in writing the Director of the Department of Public Safety shall before imposing the penalty so determined furnish the person so charged with a written statement of the reasons for his said action and shall afford the person so charged a period of at least five days within which to make reply thereto if he so desires In every case of such removal discharge suspension reduction or fine a copy of the statement of the reasons therefor and the written answer thereto of the person so sought to be penalized if any together with a transcript of the proceedings and decision of said trial court shall be furnished forthwith to the Civil Service Commission and entered upon its records If the employee affected shall demand it the Civil Service Commission shall upon his written request therefor grant him a public hearing which hearing shall be held within a period of fifteen days from his said request At such hearing the burden of proof shall be upon the removing officer to justify his action If the Civil Service Commission shall fail to sustain the action of the removing officer the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him A written record of all testimony taken at such hearing shall be kept and preserved by the Civil Service Commission which record shall be sealed and not be available for public inspection unless an appeal be taken by the employee from the action of the Commission Any employee so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said Civil Service Commission duly certified by the official reporter If the Civil Service Commission shall sustain the action of the removing officer the person removed shall have the right to appeal to the court of common pleas of the county which appeal shall be taken within ninety days from the entry by the Civil Service Commission of its final order When such appeal is so taken the Civil Service Commission shall not later than ten days after notice of such appeal shall have been served upon it by the employee appealing make and certify to the court of common pleas a complete record including the written charges the employee's answer thereto if any the testimony taken before the Commission and all other papers and documents in its files in connection with said appeal The court of common pleas shall have the power to inspect said record and if it shall find the same to be incomplete or insufficient in any matter to order and direct the Civil Service Commission to supply such defect The court of common pleas shall proceed to hear said appeal upon the record so certified and no additional evidence shall be introduced The court of common pleas shall have the power to affirm or reverse the order of the Civil Service Commission or in its discretion to modify the same Any employee so charged who shall be dissatisfied with the decision of the court of common pleas shall have the right to appeal to the Supreme Court of Pennsylvania Neither the city the removing officer nor any person other than the employee so charged shall have any right to appeal either to the court of common pleas or to the Supreme Court of Pennsylvania The power to suspend shall in no event be for minor or petty offenses or for political or religious reasons

Section 7 If for reasons of economy lack of funds abolition of position or positions or for any other reason it becomes necessary for any city of the second class to reduce the number of employees of its bureau of fire or the number of fire alarm operators or fire alarm box inspectors in its bureau of electricity then the city shall follow the following procedure

First If there are any employes in its bureau of fire

fire alarm operators or fire alarm box inspectors eligible for retirement under the terms of any pension fund then such reduction in numbers shall be made by retirement on pension of all the oldest in age and service

Second If the number of employees in its bureau of fire fire alarm operators and fire alarm box inspectors eligible for retirement under the pension fund of said city if any is insufficient to effect the reduction in number desired by said city or if there is no eligible person for retirement or if no pension fund exists in said city then the reduction shall be effected by suspending the last man or men including probationers that have been appointed Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed all recent appointees until such reduction shall have been accomplished Whenever the number of such employees in the bureau of fire or fire alarm operators or fire alarm box inspectors in the bureau of electricity shall again be increased in numbers or if any vacancies occur the employees suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed

Section 8 If any person in the employ of a city of the second class as a fireman and employee in the bureau of fire or as a fire alarm operator or fire alarm box inspector in the bureau of electricity in such city shall be convicted of crime the proper appointing officer shall not be required to dismiss such employee but shall have the right and power to retain such employee in his said position if in the discretion of such appointing officer the facts and circumstances surrounding the conviction of such employee are such as not to require his dismissal

Section 9 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 10 The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employees of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" and its amendment are hereby repealed in so far as the same applies to cities of the second class

All other acts and parts of acts general special or local inconsistent with this act are hereby repealed

Section 11 It is the purpose of this act to furnish in connection with the act of Assembly approved the twenty-third day of May one thousand nine hundred and seven (Pamphlet Laws 206) entitled "An act to regulate and improve the Civil Service of the cities of the second class in the Commonwealth of Pennsylvania making violations of its provisions to be misdemeanors and providing penalties for violations thereof" and its amendments a complete and exclusive system for the appointment promotion reduction removal suspension and reinstatement of employees in the competitive class in bureaus of fire and of all fire alarm operators and fire alarm box inspectors in the bureaus of electricity in cities of the second class

Section 12 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simons,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goil,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 567, as follows:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gen-

eral Assembly met and it is hereby enacted by the authority of the same That the sheriff in each county of the eighth class shall receive an annual salary of [twelve hundred dollars $1,200] sixteen hundred dollars ($1,600) Such salary in addition to any expenses which may be incurred by such sheriff in the performance of his duties shall be paid by the county from moneys in the county treasury Such expenses shall include an allowance of reasonable mileage by the county to the sheriff on the various writs copies of pleadings official notices execution processes or court orders and other documents or copies thereof which he or his clerks or deputies may be required to serve or execute

The sheriff in said counties shall not be entitled to any additional fees or compensation for the care and maintenance of prisoners but the actual expense for such care and maintenance of prisoners shall be paid by the county from the county treasury upon itemized bills rendered from time to time

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine Provided however That the provisions of this amendatory act shall not be applicable to sheriffs in office on the effective date of this act during their present term of office but such sheriffs shall during their present term of office continue to receive the salary prescribed by the act to which this act is an amendment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G. R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams,
Dalrymple	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1074, as follows:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and term of members further defining their powers and duties and terminating the terms of members now in office

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Speaker of the House of Representatives shall appoint [six] ten members of the House and the President pro tempore shall appoint seven members of the Senate who together with the President Pro tempore of the Senate and the Speaker of the House of Representatives shall constitute a continuing joint legislative commission to be known as the Joint State Government Commission The members of the commission shall be appointed during each odd-numbered year and shall continue as members of the commission until the first day of [July] February of the next odd-numbered year [It shall be the duty of the commission to make studies for the use of the legislative branch of government seeking to improve the administrative organization of the State Government to eliminate waste and overlapping functions to institute economies to suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis to gather budget information for the use of the General Assembly and to make such other studies and gather such other information as may be deemed useful to the General Assembly] Said commission shall organize by the selection of a chairman The commission shall have power to employ such clerical assistance as may be deemed necessary Said commission shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged

Section 2 Said commission shall have power [to sit during the interim between legislative sessions and shall from time to time] and its duty shall be

(a) To investigate departments boards commissions and officers of the State and local governments and to study their legislative financial and other problems

(b) To make studies for the use of the legislative branch of the government seeking to improve the administrative organization of the State and local governments to eliminate waste and overlapping functions and to institute economies

(c) To suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis

(d) To gather budget information for the use of the General Assembly

(e) To make such other investigations and studies and to gather such other information as may be deemed useful to the General Assembly

(f) To sit during the interim between legislative sessions

(g) From time to time to report to the General Assembly such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly

Section 2 The terms of the appointed members of said commission now in office are hereby terminated on the effective date of this act

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boies,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G.R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, R. E.	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams,
Dalrymple,	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. TAYLOR.

The House resumed the consideration on final passage of House Bill No. 518, entitled:

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing.

RECONSIDERATION OF VOTE

Mr. TAYLOR. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. DAVID P. REESE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Taylor, vote on the final passage of this bill?

Mr. TAYLOR. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Reese, vote on the final passage of this bill?

Mr. DAVID P. REESE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend as follows:

Section 1, page 1, line 1, by striking out all of line.

Section 1, page 1, line 4, by striking out all of line, and all of line 5, and the beginning of line 6, ending with the word "highway" and before the "If"

Section 1, page 1, line 7, by inserting after "son" the following: "over the age of fourteen years"

Section 1, page 2, line 4, by striking out all of line 4 and the beginning of line 5, with the word "or" and before the word "while"

Section 1, page 2, line 6, after the word "a" and before the word "car" insert "railroad"

Section 1, page 2, line 9, after the word "the" and before the word "company" insert "railroad"

Section 1, page 2, line 9, after the word "said" strike out "rail-" and insert the word "car"

Section 1, page 2, line 10, strike out lines 10 to 18 inclusive.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RECONSIDERATION OF HOUSE BILL NO. 99.

Mr. HESS. Mr. Speaker, I move that the vote by which House Bill No. 99, Printer's No. 600, entitled:

An Act to amend section one of the act approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws 1055), entitled "Indeterminate Sentence. Probation and Penitentiary Parole Law," as

amended, by permitting the court to suspend sentence and place defendant on probation in cases of conviction of any crime, under certain conditions.

was defeated on final passage Monday, May 8, 1939, be reconsidered.

Mr. ALSPACH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Hess, vote on the final passage of this bill?

Mr. HESS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lancaster, Mr. Alspach, vote on the final passage of this bill?

Mr. ALSPACH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. SWEENEY. Mr. Speaker and members of the House, very briefly, all this bill does is to allow the judge, if he sees fit and if the case warrants, to place a man on probation. They do that now, anyhow, but they do it by getting around the law. The judge sentences a man and then suspends sentence. He doesn't have to spend any time in jail. Some of the judges in Philadelphia feel that that is more or less of a roundabout way of getting around the law and would like to put deserving cases on probation.

Mr. ALSPACH. Mr. Speaker and members of the House, this bill was considered last week and was defeated through an erroneous conception. I request the members on the Republican side and the members on the Democratic side to vote for this bill. It is a very, very meritorious bill and does not deserve the cruel fate of being defeated through a misunderstanding.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—130

Achterman,	Fleming,	Malloy,	Rosenfeld,
Ackermann,	Freed,	Malone,	Rothenberger,
Alspach,	Gates,	Marr,	Royer,
Auker,	Gillan,	McGarrity,	Schrope,
Baker,	Gillette,	McLane,	Schwab,
Balthaser	Gorski,	McVay,	Shearer,
Bardes,	Habbyshaw,	Melchiorre,	Sloan,
Bohn,	Haines,	Mihm,	Snyder, J.
Boney,	Hall,	Montgomery,	Sollenberger,
Bower,	Hamilton,	Mooney,	Stank,
Boyd,	Harkins,	Moran,	Stewart,
Brancato,	Henry,	Moser, F. S.,	Sweeney,
Bretherick,	Hess,	Moser, J. L.,	Tahl,
Broad,	Hindman,	Muir,	Tarr,
Bronson,	Hocke,	Munley,	Taylor,
Brunner,	Hoffman, J. N.,	O'Brien,	Thompson, E. F.,
Burns,	Holland,	Ominsky,	Tronzo,
Cadwalader,	Imbrie,	O'Neill,	Van Belle,
Check,	James,	Peacock,	Voorhees,
Clearwater,	Jirolanio,	Peale,	Wagner,
Cook,	Johnston,	Powers,	Walsh,
Curran,	Jones,	Preston,	Webster,
Dalrymple,	Keenan,	Readinger,	Weiss,
Denman,	Kenehan,	Reese, D. P.,	Welsh, E. B.,
Dick,	Kline,	Regan,	Wilkinson,
Donahue,	Knoble,	Rhodes,	Williams,
Eckels,	Krise,	Rider,	Wilson,
Ely	Lee,	Riley,	Wood, L. H.,
Ewing,	Leisey,	Robertson,	Wood, N.,
Fauset,	Leydic,	Rooney,	Woodside,
Fisher,	Lichtenwalter,	Rose,	Yeakel,
Fiss,	Lyons,	Roseberry,	Turner,
Flanagan,	Madden,		Speaker.

NAYS—13

Allen,	Falkenstein,	Lovett,	Schrock,
Andrews,	Furman,	O'Connor,	Welsh, M. J.,
Brown, H. S.,	Haudenshield,	Reese, R. E.	Westrick,
Chervenak,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECONSIDERATION OF HOUSE BILL NO. 1349

Mr. TRONZO. Mr. Speaker, I move that the vote by which House Bill No. 1349, Printer's No. 601, entitled:

An Act to amend article two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," providing for the creation of boroughs from townships of the first class upon petition to the court of common pleas and a referendum, and prescribing the procedure therefor.

was defeated on final passage Tuesday, May 9, 1939, be reconsidered.

Mr. RUSSELL E. REESE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Tronzo, vote on the final passage of this bill?

Mr. TRONZO. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Washington, Mr. Reese, vote on the final passage of this bill?

Mr. RUSSELL E. REESE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. TRONZO. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 10 of title, by striking out the words: "common pleas" and inserting in lieu thereof: "quarter sessions"

Amend Sec. 1 (Sec. 251), page 2 line 15, by striking out the words: "common pleas" and inserting in lieu thereof: "quarter sessions"

Amend Sec. 1 (Sec. 251)), page 3, line 11, by inserting after the word "persons" the following: "not more than four of whom shall be enrolled members of the same political party"

Amend Sec. 1 (Sec. 251), page 3, by inserting between lines 15 and 16, the following: "At such municipal election, and every four years thereafter, there shall be elected one person to be burgess, who shall hold office for a term of four years from the first Monday of January, next succeeding, his election. At the same municipal election, there shall be elected seven persoons as councilmen, four of whom shall serve for a term of four years from the first Monday of January, next succeeding, and three shall serve for a term of two years from the first Monday of January, next succeeding. Biennially thereafter, at the municipal election, a sufficient number of councilmen shall be elected to fill the offices of the councilmen whose terms shall expire on the first Monday of January, next succeeding."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RECONSIDERATION OF HOUSE BILL No. 700

Mr. BRONSON. Mr. Speaker, I move that the vote by which House Bill No. 700, Printer's No. 649, entitled:

An Act to further amend the act approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled as amended "Barbers License Law," by changing the provisions as to fees charged apprentices and students; prohibiting advertising by registrants; requiring all barber shops to be registered and transferring the administration of the provisions of this act to the State Board of Barber Examiners.

was defeated on final passage Monday, May 8, 1939, be reconsidered.

Mr. HALL. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Chester, Mr. Bronson, vote on the final passage of this bill?

Mr. BRONSON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Potter, Mr. Hall, vote on the final passage of this bill?

Mr. HALL. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—116

Achterman,	Fauset,	McLane,	Scanlon,
Allen,	Finnerty,	McNally,	Schrope,
Alspach,	Fisher,	McVay	Schwab,
Baker,	Fiss,	Melchiorre,	Seif,
Bohn,	Flanagan,	Mihm,	Serrill,
Bower,	Fleming,	Montgomery,	Shaw,
Boyd,	Freed,	Mooney,	Simons,
Brancato,	Furman,	Moran,	Sollenberger,
Bretherick,	Gates,	Muir,	Stank,
Broad,	Gillette,	Munley,	Stewart,
Bronson,	Haines,	O'Brien,	Stockham,
Brown, S. W.,	Hall,	O'Connor,	Sweeney,
Brunner,	Hamilton,	O'Dare,	Tahl,
Burns,	Hess,	O'Keefe,	Tarr,
Cadwalader,	Huntley,	Ominsky,	Thistle,
Check,	Imbrie,	O'Neill,	Thompson, E. F.,
Chervenak	Jirolanio,	Peacock,	Tiemann,
Clark,	Keenan,	Peale,	Tronzo,
Clearwater,	Kenehan,	Powers,	Van Belle,
Cooper,	Krise,	Preston,	Voorhees,
Corrigan,	Lee,	Readinger,	Walsh,
Curran,	Leisey,	Reese, R. E.	Webster,
Dalrymple,	Long,	Regan,	Weiss,
Dick,	Malloy,	Reynolds,	Welsh, E. B.,
Downey,	Malone,	Rhodes	Welsh, M. J.,
Eckels,	Marr,	Rider,	Westrick,
Ely,	Matthews,	Rooney,	Williams,
Ewing,	McClester,	Roseberry,	Wilson,
Falkenstein,	McKinney,	Rosenfeld,	Wood, L. H.,
			Wood, N.

NAYS—27

Ackermann,	Harbeson,	Lichtenwalter,	Stambaugh,
Andrews,	Holland,	Reese, D. P.,	Taylor,
Atkins,	Johnston,	Rothenberger,	Thompson, G. R.,
Carpenter,	Jones,	Sarge,	VanAllsburg,
Cook,	Kline,	Schrock,	Wilkinson,
Donahue,	Kowalski,	Shearer,	Woodside,
Habbyshaw,	Leydic,	Sloan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1437, Printer's No. 619, was passed over at the request of Mr. WATKINS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1420, entitled:

An Act to amend the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by further defining the commissions of registers of wills regulating the opening of safety deposit boxes of a decedent permitting supplemental appraisements in certain cases further defining allowable deductions and limiting the time within which claims for deductions may be filed and conforming the act to existing law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Ely	Levy,	Sarge,
Ackermann,	Ewing,	Leydic,	Sarraf,
Allen,	Falkenstein,	Lichtenwalter,	Scanlon,
Alspach,	Fauset,	Long,	Schrope,
Andrews,	Finnerty,	Lovett,	Schwab,
Atkins,	Fisher,	Lyons,	Seif,
Auker,	Fiss,	Madden,	Serrill,
Baker,	Flanagan,	Malloy,	Shaw,
Balliet,	Fleming,	Malone,	Shearer,
Balthaser,	Foor,	Marr,	Simons,
Bardes,	Freed,	Matthews,	Skale,
Bennett,	Fullerton,	McClester,	Sloan,
Bohn,	Gates,	McGarrity,	Snyder,
Boles,	Gillan,	McKinney,	Sollenberger,
Boney,	Gillette,	McLane,	Stambaugh,
Boorse,	Goll,	McNally,	Stank,
Bower,	Gorski,	McVay,	Stewart,
Boyd,	Habbyshaw,	Melchiorre,	Stockham,
Brancato,	Haines,	Mihm,	Sweeney,
Bretherick,	Hall,	Montgomery,	Tahl,
Broad,	Hamilton,	Mooney,	Tarr,
Bronson,	Harbeson,	Moran,	Taylor,

Brown, H. S.,	Harkins,	Moser, J. L.,	Terry,
Brown, S. W.,	Haudenshield,	Muir,	Thistle,
Brunner,	Henry,	Munley,	Thompson, E. F.,
Burns,	Hess,	O'Brien,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Van Belle,
Carpenter	Hocke,	O'Neill,	Voorhees,
Check,	Hoffman, J. N.,	Peacock,	Wagner,
Chervenak,	Hoffman, S. K.,	Peale,	Walsh,
Christler,	Holland,	Powers,	Watkins,
Clark,	Hoyt,	Preston,	Webster,
Clearwater,	Huntley,	Readinger,	Weiss,
Cohen, H. B.,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Regan,	Wilkinson,
Cordier,	Jones,	Reynolds,	Williams,
Corrigan,	Kane,	Rhodes,	Wilson,
Cortese,	Keenan,	Rider,	Winner,
Curran,	Kenehan,	Riley,	Wood, H. M.,
Dalrymple	Kilroy,	Robertson,	Wood, L. H.,
Denman,	Kline,	Rooney,	Wood, N.,
DeNote,	Knoble,	Rose,	Woodside,
Dick,	Kowalski,	Roseberry,	Yeakel,
Dix,	Krise,	Rosenfeld,	Turner,
Donahue,	Lee,	Rothenberger,	Speaker.
Downey,	Leisey,		

NAYS—11

Boose,	Moser, F. S.,	Royer,	Trout,
Eckels,	O'Connor,	Schrock,	Van Allsburg,
Furman,	Ominsky,	Thompson, G.R.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1368, entitled:

An Act to further amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" by not requiring the Governor to approve certain charters

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G.R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Carpenter,	Hocke,	Ominsky,	VanAllsburg,
Check,	Hoffman, J. N.,	O'Neill,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peacock,	Voorhees,
Christler,	Holland,	Peale,	Wagner,
Clark,	Hoyt,	Powers,	Walsh,
Clearwater,	Huntley,	Preston,	Watkins,
Cohen, H. B.,	Imbrie,	Readinger,	Webster,
Cohen, R. E.,	James,	Reagan,	Weiss,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley,	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.
Ely,	Leydic,	Sarge,	

NAYS—2

Achterman,	Tarr,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1403, Senate Bill No. 339, Printer's No. 73 was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 509, entitled:

An Act to amend article four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" regulating and providing for the keeping and auditing of the accounts of moneys collected by the county treasurer for the various taxing units within the county and for payment of such moneys to the said taxing units

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,

Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1048, entitled:

An Act to further amend clause (a) of section four hundred and seven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactons in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the fees for hotel and restaurant liquor licenses in certain cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Ely,	Lichtenwalter,	Schrock,
Ackermann,	Ewing,	Long,	Schrope,
Allen,	Falkenstein,	Lovett,	Schwab,
Alspach,	Fauset	Lyons,	Seif,
Andrews,	Finnerty,	Madden,	Serrill,
Atkins,	Fisher,	Malloy,	Shaw,
Auker,	Fiss,	Malone,	Shearer,
Baker,	Flanagan,	Marr,	Simons,
Balliet,	Fleming,	Matthews,	Skale,
Balthaser,	Foor,	McClester,	Sloan,
Bennett,	Freed,	McGarrity,	Snyder,
Bohn,	Fullerton,	McKinney,	Sollenberger,
Boies,	Gates,	McLane,	Stambaugh,
Boney,	Gillan,	McNally,	Stank,
Boorse,	Gillette,	McVay,	Stewart,
Boose,	Goll,	Melchiorre,	Stockham,
Bower,	Gorski,	Mihm,	Sweeney,
Boyd,	Habbyshaw,	Montgomery,	Tahl,
Brancato,	Haines,	Mooney,	Tarr,
Bretherick,	Hall,	Moran,	Taylor,
Bronson,	Hamilton,	Moser, F. S.,	Terry,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, E. F.,
Brunner,	Haudenshield,	Munley,	Thompson, G. R.,
Burns,	Henry,	O'Brien,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Carpenter,	Hocke,	O'Neill,	Van Allsburg,
Check,	Hoffman, J. N.,	Peacock,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peale,	Voorhees,
Christler,	Holland,	Preston,	Wagner,
Clark,	Hoyt,	Readinger,	Walsh,
Clearwater,	Huntley,	Reagan,	Watkins,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Webster,
Cohen, R. E.,	James,	Reese, R. E.	Weiss,
Cook,	Johnston,	Regan,	Welsh, E. B.,
Cooper,	Jones,	Reynolds,	Welsh, M. J.,
Cordier,	Kane,	Rhodes,	Westrick,
Corrigan,	Keenan,	Rider,	Wilkinson,
Cortese,	Kenehan,	Riley	Williams,
Curran,	Kilroy,	Robertson,	Wilson,
Dalrymple,	Kline,	Rose,	Winner,
Denman,	Knoble,	Roseberry,	Wood, H. M.,
DeNote,	Kowalski,	Rosenfeld,	Wood, L. H.,
Dick,	Krise,	Rothenberger,	Wood, N.,
Dix,	Lee,	Royer,	Woodside,
Donahue,	Leisey,	Sarge,	Yeakel,
Downey,	Levy,	Sarraf,	Turner,
Eckels,	Leydic,	Scanlon,	Speaker.

NAYS—9

Bardes,	Hess,	O'Connor,	Powers,
Broad,	Jirolanio,	Ominsky,	Rooney,
Furman,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1356, entitled:

An Act to amend clause (a) of section six hundred and nine of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. fifteen 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the of the State Government Courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in

such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended permitting hotel restaurant and club licensees to own land but not the buildings thereon where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Ackermann,	Ewing,	Lichtenwalter,	Scanlon,
Achterman,	Falkenstein,	Long,	Schrock,
Allen,	Fauset,	Lovett,	Schrope,
Alspach,	Finnerty,	Lyons,	Schwab,
Andrews,	Fisher,	Madden,	Seif,
Atkins,	Fiss,	Malloy,	Serrill,
Auker,	Flanagan,	Malone,	Shaw,
Baker,	Fleming,	Marr,	Shearer,
Balliet,	Foor,	Matthews,	Simons,
Balthaser,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boies,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Harkins,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, E. F.,
Burns,	Henry,	O'Brien,	Thompson, G. R.,
Burris,	Hess,	O'Dare,	Tiemann,
Cadwalader,	Hewitt,	O'Keefe,	Tronzo,
Carpenter,	Hindman,	Ominsky,	Trout,
Check,	Hocke,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, J. N.,	Peacock,	Van Belle,
Christler,	Hoffman, S. K.,	Peale,	Voorhees,
Clark,	Holland,	Powers,	Wagner,
Clearwater,	Hoyt,	Preston,	Walsh,
Cohen, H. B.,	Huntley,	Readinger,	Watkins,
Cohen, R. E.,	Imbrie,	Reagan,	Webster,
Cook,	James,	Reese, D. P.,	Weiss,
Cooper,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cordier,	Johnston,	Regan,	Welsh, M. J.,
Corrigan,	Jones,	Reynolds,	Westrick,
Cortese,	Kane,	Rhodes,	Wilkinson,
Curran,	Keenan,	Rider,	Williams,
Dalrymple,	Kenehan,	Riley,	Wilson,
Denman,	Kilroy,	Robertson,	Winner,
DeNote,	Kline,	Rose,	Wood, H. M.,
Dick,	Knoble,	Roseberry,	Wood, L. H.,
Dix,	Kowalski,	Rosenfeld,	Wood, N.,
Donahue,	Krise,	Rothenberger,	Woodside,
Downey,	Lee,	Royer,	Yeakel,
Eckels,	Leisey,	Sarge,	Turner,
Ely,	Leydic,	Sarraf,	Speaker.

NAYS—4

Bardes,	Brown, H. S.,	O'Connor,	Rooney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 582 Printer's No. 605 was passed over at the request of Mr. HABBYSHAW.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 805, as follows:

An Act prohibiting the sale or offering for sale of the recording of any broadcast without the permission and consent of the person or persons broadcasting same and providing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is unlawful for any person copartnership association or corporation to offer for sale sell lease or license any recording of any broadcast emanating from any broadcasting station in this Commonwealth and obtained and taken without the consent and permission of person or persons broadcasting the same

Section 2 Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or undergo imprisonment for not more than one year or both as the court may direct

Section 3 None of the provisions of this act shall apply to any case of recording for private personal communal civic or political uses or to any recording of any address or talk on subjects of a public nature

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Ely,	Levy,	Royer,
Ackermann,	Ewing,	Leydic,	Sarge,
Allen,	Falkenstein,	Lichtenwalter,	Sarraf,
Alspach,	Fauset,	Long,	Scanlon,
Andrews,	Finnerty,	Lovett,	Schrock,
Atkins,	Fisher,	Lyons,	Schrope,
Auker,	Fiss,	Madden,	Schwab,
Baker,	Flanagan,	Malloy,	Seif,
Balliet,	Fleming,	Malone,	Serrill,
Balthaser,	Foor,	Marr,	Shaw,
Bardes,	Freed,	Matthews,	Shearer,
Bennett,	Fullerton,	McClester,	Simons,
Bohn,	Furman,	McGarrity,	Skale,
Boies,	Gates,	McLane,	Sloan,
Boney,	Gillan,	McNally,	Snyder,
Boorse,	Gillette,	McVay,	Sollenberger,
Boose,	Goll,	Melchiorre,	Stambaugh,
Bower,	Gorski,	Mihm,	Stank,
Boyd,	Habbyshaw,	Montgomery,	Stewart,
Brancato,	Haines,	Mooney,	Stockham,
Bretherick,	Hall,	Moran,	Sweeney,
Broad,	Hamilton,	Moser, F. S.,	Tahl,
Bronson,	Harbeson,	Moser, J. L.,	Tarr,
Brown, H. S.,	Harkins,	Muir,	Taylor,
Brown, S. W.,	Haudenshield,	Munley,	Terry,
Brunner,	Henry,	O'Brien,	Thistle,
Burns,	Hess,	O'Connor,	Thompson, E.
Burris,	Hewitt,	O'Dare,	Thompson, G.
Cadwalader,	Hindman,	O'Keefe,	Tiemann,
Carpenter,	Hocke,	Ominsky,	Tronzo,
Check,	Hoffman, J. N.,	O'Neill,	Trout,
Chervenak,	Hoffman, S. K.,	Peacock,	VanAllsburg,
Christler,	Holland,	Peale,	Van Belle,
Clark,	Hoyt,	Powers,	Voorhees,
Clearwater,	Huntley,	Preston,	Wagner,
Cohen, H. B.,	Imbrie,	Readinger,	Walsh,
Cohen, R. E.,	James,	Reagan,	Watkins,
Cook,	Jirolanio,	Reese, D. P.,	Webster,
Cooper,	Johnston,	Reese, R. E.,	Weiss,
Cordier,	Jones,	Regan,	Welsh, E. B.,
Corrigan,	Kane,	Reynolds,	Welsh, M. J.,
Cortese,	Keenan,	Rhodes,	Westrick,
Curran,	Kenehan,	Rider,	Wilkinson,

Dalrymple,	Kilroy,	Riley,	Williams,
Denman,	Kline,	Robertson,	Wilson,
DeNote,	Knoble,	Rooney,	Winner,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,			

NAYS—3

McKinney,	Wood, H. M.,	Turner, Speaker.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 521, entitled:

A Joint Resolution proposing amendments to sections sixteen and seventeen of article two of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Eckels,	Leisey,	Rosenfeld,
Ackermann,	Ely,	Levy,	Rothenberger,
Allen,	Ewing,	Leydic,	Royer,
Alspach,	Falkenstein,	Lichtenwalter,	Sarge,
Andrews,	Finnerty,	Long,	Sarraf,
Atkins,	Fisher,	Lovett,	Scanlon,
Auker,	Fiss,	Lyons,	Schrock,
Baker,	Flanagan,	Madden,	Schrope,
Balliet,	Fleming,	Malloy,	Schwab,
Balthaser	Foor,	Malone,	Seif,
Bardes,	Freed,	Marr,	Serrill,
Bennett,	Fullerton,	Matthews,	Shaw,
Bohn,	Furman,	McClester,	Shearer,
Boles,	Gates,	McGarrity,	Simon,
Boney,	Gillan,	McKinney,	Skale,
Boorse,	Gillette,	McLane,	Sloan,
Boose,	Goll,	McNally,	Snyder,
Bower,	Gorski,	McVay,	Sollenberger,
Boyd,	Habbyshaw,	Melchiorre,	Stambaugh,
Brancato,	Haines,	Mihm,	Stank,
Bretherick,	Hall,	Montgomery,	Stewart,
Broad,	Hamilton,	Mooney,	Stockham,
Bronson,	Harbeson,	Moran,	Sweeney,
Brown, S. W.,	Harkins,	Moser, F. S.,	Tahl,
Brunner,	Haudenshield,	Moser, J. L.,	Taylor,
Burns,	Henry,	Muir,	Terry,
Burris,	Hess,	Munley,	Thistle,
Cadwalader,	Hewitt,	O'Brien,	Thompson, G. R.,
Carpenter,	Hindman,	O'Connor,	Tiemann,
Check,	Hocke,	O'Dare,	Trout,
Chervenak,	Hoffman, J. N.,	O'Keefe,	VanAllsburg,
Christler,	Hoffman, S. K.,	O'Neill,	Van Belle,
Clark,	Holland,	Peacock,	Voorhees
Clearwater,	Hoyt,	Peale,	Wagner,
Cohen, H. B.,	Huntley,	Powers,	Walsh,
Cohen, R. E.,	Imbrie,	Preston,	Watkins,
Cook,	James,	Readinger,	Webster,
Cooper,	Jirolanio,	Reagan,	Weiss,
Cordier,	Johnston,	Reese, D. P.,	Wilkinson,
Corrigan,	Jones,	Reese, R. E.,	Wilson,
Cortese,	Kane,	Regan,	Winner,
Curran,	Keenan,	Reynolds,	Wood, H. M.,
Dalrymple,	Kenehan,	Rhodes,	Wood, L. H.,
Denman,	Kilroy,	Rider,	Wood, N.,
DeNote,	Kline,	Riley	Woodside,
Dick,	Knoble	Robertson,	Yeakel,
Dix,	Kowalski,	Rose	Turner,
Donahue,	Krise,	Roseberry,	Speaker.
Downey,	Lee,		

NAYS—11

Brown, H. S.,	Rooney,	Tronzo,	Westrick,
Fauset,	Tarr,	Welsh, E. B.,	Williams,
Ominsky,	Thompson, E. F.,	Welsh, M. J.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1118, entitled:

An Act authorizing Federal Savings and Loan Associations to issue share accounts in the name of certain minors and in the joint names of two or more persons and validating the acquittances of such minors and validating the acquittances of either person in a joint account under certain conditions and outlining the procedure for the payment of share accounts issued in the name of a trustee following the death of the trustee

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boles,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 607, entitled:

An Act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Ackermann,	Ewing,	Lichtenwalter,	Scanlon,
Allen,	Falkenstein,	Long,	Schrock,
Alspach,	Fauset,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simons,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burns,	Hess,	O'Keefe,	Tronzo,
Burris,	Hewitt,	Ominsky,	Trout,
Cadwalader,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Hunsey,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Johnston,	Regan,	Welsh, M. J.,
Cordier,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenehan	Riley,	Wilson,
Dalrymple,	Kilroy,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Royer,	Yeakel,
Downey,	Leisey,	Sarge,	Turner,
Eckels,	Levy,	Sarraf,	Speaker.
Ely,	Leydic,		

NAYS—7

Achterman,	Jirolanio,	O'Connor,	Stank,
Cohen, H. B.,	Marr,	Rothenberger,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1305, entitled:

An Act to amend sections eight eleven and twenty-five of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" as amended providing certain exemptions and changing provisions of said act relating to the suspension of operators and registration privileges for the nonpayment of judgments

On the question,

Will the House agree to the bill on third reading?

Mr. JIROLANIO. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 11), page 6, lines 12, 13 and 14, by striking out with light-faced brackets the words "and until he has furnished proof of financial responsibility for future accidents"

Amend Sec. 1 (Sec. 11), page 7, lines 13 and 14, by striking out with light-faced brackets the words "has furnished proof of financial responsibility"

Amend Sec. 1 (Sec. 11), page 7, lines 15 and 16, by striking out with light-faced brackets the words "occurring before such proof was furnished"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

BILL AND AMENDMENTS LAID ON TABLE

Mr. TROUT. Mr. Speaker, I move that this bill together with the amendments be laid upon the table.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 190, entitled:

An Act to further amend section seven hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof

owners of vehicles and garage keepers providing that records are admissible as evidence; imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by making changes in fees for certain commercial motor vehicles and truck tractors

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G.R.
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1341, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the jurisdiction and powers of mayors burgesses magistrates aldermen justices of the peace and other officers having the power of committing magistrates in criminal proceedings and of magistrates aldermen and justices of the peace in civil proceedings under said act fixing the fees to be charged in cases of summary conviction and changing penalties and the circumstances under which operating privileges shall be revoked

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G.R.
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.	O'Neill,	Van Allsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,

Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 943, entitled:

An Act approving ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention abatement and control of pollution of the rivers streams and waters in the Ohio river drainage basin and making the State of Pennsylvnia a party thereto creating the "Ohio River Valley Water Sanitation Commission" providing for the members of such commission from the State of Pennsylvania and providing for the carrying out of said Compact

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.
Brunner,	Hess,	O'Connor,	Thompson, G.R.
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Cminsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 931, entitled:

An Act to amend the act approved the fifth day of December one thousand nine hundred and thirty-six (1937 Pamphlet Laws 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" providing for contribution rates based on compensation experiences

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. CURRAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 249, entitled:

An Act to amend so much of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 167) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" as relates to the forty-seventh judicial district by reducing the number of judges of the court of common pleas of said district

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Lichtenwalter,	Sarraf,
Ackermann,	Ewing,	Long,	Scanlon,
Allen,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,

Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simon,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boies,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G.R.
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Cadwalader,	Hindman,	Ominsky,	Trout,
Carpenter,	Hocke,	O'Neill,	Van Allsburg,
Check,	Hoffman, J. N.,	Peacock,	Van Belle,
Chervenak,	Hoffman, S. K.,	Peale,	Voorhees,
Christler,	Holland,	Powers,	Wagner,
Clark,	Hoyt,	Preston,	Walsh,
Clearwater,	Huntley,	Readinger,	Watkins,
Cohen, H. B.,	Imbrie,	Reagan,	Webster,
Cohen, R. E.,	James,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.

NAYS—1

Jirolanio,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 717, Printer's No. 755, was passed over at the request of Mr. HALL.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1421, entitled:

An Act to amend the act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commnowealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" by adding thereto section three imposing and providing for interest penalties on the estate taxes imposed under the provisions of the said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boies,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G.R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams,
Dalrymple,	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 793, entitled:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" providing that in cases where a person is accused of manslaughter by means of a motor vehicle he may be admitted to bail by the justice mayor recorder magistrate or alderman

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simon,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boies,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G.R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley,	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,
Eckels,	Levy,	Royer,	Speaker.

NAYS—1

Westrick,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 550, as follows:

An Act making an appropriation to the Department of Property and Supplies to provide cases for the display of colors and standards of the World War and expenses connected therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven thousand five hundred dollars ($7,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purpose of providing in the rotunda of the State Capitol Building two suitable cases similar to those now in the rotunda for the purpose of housing and displaying the colors and standards which were carried by Pennsylvania regiments and units during the World War which standards and colors are now in posession of the Department of Military Affairs The said appropriation shall also be available for the payment of any expenses in connection with the preparation covering and repair of such colors and standards in order that they may be properly displayed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Auker,	Flanagan,	Malone,	Serrill,
Baker,	Fleming,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boies,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Hamilton,	Moser, F. S.,	Tarr,
Broad,	Harbeson,	Moser, J. L.,	Taylor,
Bronson,	Harkins,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G.R.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Tronzo,
Cadwalader,	Hocke,	Ominsky,	Trout,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Check,	Hoffman, S. K.,	Peacock,	Van Belle,
Chervenak,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	Imbrie,	Readinger,	Watkins,
Cohen, H. B.,	James,	Reagan,	Webster,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Weiss,
Cook,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jones,	Regan,	Welsh, M. J.,
Cordier,	Kane,	Reynolds,	Westrick,
Corrigan,	Keenan,	Rhodes,	Wilkinson,
Cortese,	Kenehan,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Kline,	Robertson,	Winner,
Denman,	Knoble,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING NOT ON FILE

The SPEAKER. House Bill No. 1221, Printer's No. 781, on page 28 of today's calendar is not on file and will therefore be passed over.

TIME EXTENDED ON BILLS

The SPEAKER. If there is no objection there will be an extension of five days granted on all bills on the postponed calendar. Is there objection? The Chair hears none and the extension is granted.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 972

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1939

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 972, Printer's No. 278, entitled, "An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 967

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1939

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 967, Printer's No. 279, entitled, "An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards."

ARTHUR H. JAMES

RESOLUTION

RECALLING HOUSE BILL No. 527 FROM THE GOVERNOR

Mr. WILKINSON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 16, 1939.

Resolved (if the Senate concur), that House Bill No. 527, Printer's No. 585, entitled "An act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled 'An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds,' removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1297.

An Act to further amend section five, and to amend section six, of the act, approved the third day of May, one thousand nine hundred and nine, (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food, and patented, propriatary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feeding-stuffs; prohibiting the adulteration of any feeding-stuff, sold, offered, or exposed for sale, in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples, and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (Pamphlet laws, one thousand nine hundred and seven, page two hundred and seventy-three), entitled 'An act regulating the sale of wheat-, rye-, corn- and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," authorizing the Secretary of Agriculture to make rules and regulations and establish standards: further regulating the taking of samples; and changing and providing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, lines 4 and 5, by striking out the words "published in an official bulletin of" and inserting in lieu thereof the words "promulgated by."

On the question,

Will the House concur in the amendements made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,

Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simon,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E F
Burns,	Hess,	O'Connor,	Thompson, G R.
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	VanAllsburg
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, R. E.	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams,
Dalrymple,	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 771.

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by striking out after the word "one" the word "and"; also same line, by inserting after the word "two" the words "three four and five"; also same page, line 12 of the title, by inserting after the word "made" the words "and by adding thereto provisions preserving the lien of chattel mortgages against bailment leases and conditional sale agreements under certain conditions and providing for the filing indexing and docketing of such chattel mortgages in lieu of recordation and providing additional methods for forclosure of such chattel mortgages."

Amend Section 1, page 2, line 1, by striking out after the word "one" the words "and two"; also same page, line 26, by inserting after the word "bank" the words "private bank"; also page 3, line 21, by inserting after the word "bank" the words "private bank"; also page 4, line 3, by striking out the word "against" and inserting in lieu thereof the word "upon"; also same page, line 4, by inserting after the word "shall" the words "upon the filing thereof as hereinafter directed"; also same page, lines 5 and 6, by striking out the words "upon the recording thereof as hereinafter directed" and inserting in lieu thereof the words "and against any bailors or conditional vendors retaining title to livestock farm machinery or farm equipment not in their possession under any bailment lease or conditional sale agreement either prior or subsequent in time to the chattel mortgage unless prior to the time such chattel mortgage is filed such lease or agreement shall have been properly filed in the prothonotary's office of the county in which said livestock farm machinery or farm equipment is actually located at the time such chattel mortgage is made"; also same page, lines 10 and 11, by striking out the words "has been so seeded or may be growing" and inserting in lieu thereof the words "is grown growing or to be grown"; also page 5, line 11, by striking out the word "recording" and inserting in lieu thereof the word "filing"; also same page, line 14, by striking out the word "encumbrances" and inserting in lieu thereof the word "encumbrancers".

Amend Section 2, page 5, by striking out all of lines 19 to 28 inclusive as follows:

"Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgages and such recorder is hereby required to index and to record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall"; also page 6, by striking out all of lines 1 to 28 inclusive as follows: "duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder the following fees for recording each chattel mortgage [seventy-five cents (75c)] one dollar ($1.00) for noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five (25c) cents for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (25c) Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended for an additional period of five years by the filing with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in any office of the recorder of deeds"; also page 7, by striking out all of lines 1 and 2 as follows:

"Section 2 This act shall become effective immediately upon final enactment" and inserting in lieu thereof the following new sections:

"Section 2 That section two of the said act is hereby amended to read as follows:

Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be [recorded] filed in the office [for the recording of deeds] of the prothonotary for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgage and may be refiled in any county to which they may be removed with the consent of the mortgagee and such [recorder] prothonotary is hereby required to [index and to record the same at length] mark upon the instrument filed the day and hour of filing and docket such instrument in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" [and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate] and he shall alphabetically index such chattel mortgage in the names of the mortgagor and mortgagee setting forth in the docket the date and time of the filing of the instrument the amount advanced and the limit thereof and a brief description of the chattels described therein and the crops affected and the property on which said chattels and crops are located and he shall retain the instrument in his office for public inspection and such [recorder] prothonotary shall be entitled to charge and receive for services rendered hereunder the following fees for [recording] indexing docketing and filing each chattel mortgage seventy-five cents (75c) for noting assignment on the margin of the page on which the chattel mortgage is [recorded] docketed twenty-five (25c) cents for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is [recorded] docketed twenty-five cents (25c) and for certifying copies of any instrument filed hereunder twenty-five cents (25c) provided however that the prothonotary shall certify one copy furnished by the person ling the instrument at the time of such filing wihout charge Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of [recording] filing as herein provided and in case of more than one chattel mortgage the first [recorded] filed shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended for an additional period of five years by the filing with the [recorder of deeds] prothonotary of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien A notation of the filing of such affidavit and extension of lien shall be made on the margin of the [original record of the chattel mortgage in the office of the recorder of deeds] page of the book on which the chattel mortgage is docketed

Section 3 That section three of the said act is hereby amended to read as follows

Section 3 Any chattel mortgage executed under and pursuant to this act may be assigned by an instrument in writing signed and acknowledge by the mortgagee his or its [agent or] assignee or duly authorized agent and upon presentation of such assignment to the [recorder of deeds] prothonotary in the office in which the chattel mortgage is [recorded] docketed such [recorder] prothonotary shall index and file the same and note on the margin of the page [in] on which the chattel mortgage is [recorded] docketed the fact of the assignment the date of the notation the name of the assignor the name of the assignee and the address of each the date of the assignment and the amount of the debt as of the date of the assignment and such assignment shall except as to the parties thereto take effect and be valid only from the time of the marginal notation as herein provided Any such chattel mortgage may be released by an instrument in writing signed and acknowledged by the mortgagee its assignee or a duly authorized attorney or agent of such mortgagee or assignee and upon presentation of such release in the office of the [recorder of deeds] prothonotary where the chattel mortgage is [recorded] docketed the [recorder] prothonotary shall index and file the same and note the fact of such release and the date thereof on the margin of the page of the book [where] on which the chattel mortgage is [recorded] docketed and when so noted such release shall fully and effectually release the lien of such mortgage

Section 4 That section four of the said act is hereby amended to read as follows

Section 4 Upon default of any of the terms and covenants of any chattel mortgage executed in accordance with the provisions of this act the mortgagee its assignee or duly authorized attorney or agent of such mortgagee or assignee shall have the right without process of law immediately to take possession of the mortgaged property and do all things necessary to preserve the same and any expense incurred in connection therewith shall be included in and secured by the lien of said chattel mortgage And this right shall be in addition to any and all other rights inuring to the benefit of the mortgagee or its assignee Such chattel mortgages upon default by the mortgagor in the payment of the mortgage debt [and] either as to principal or interest or [the covenants] default in any covenant in the chattel mortgage contained may be foreclosed either in the method provided by law to foreclose a real estate mortgage or by the entry of judgment on the bond or bonds secured by the chattel mortgage the lien of which judgment shall relate back to the date of the filing of the chattel mortgage whereupon execution may issue and the mortgaged chattel or chattels may be sold in the same manner and under the same conditions as is now or may hereafter be authorized by the laws of this Commonwealth in the case of personal property sold under execution

Section 5 That section five of the said act is hereby amended to read as follows

Section 5 Unless otherwise expressly provided by such chattel mortgage the mortgagor shall be entitled to retain possession of the mortgaged chattels and crops until default under the terms of his agreement but a removal of the mortgaged chattels or crops after harvest from the county in which they were actually located at the time of the execution of the mortgage shall be deemed a default unless expressly waived or consented to by the mortgagee or his duly authorized agent or assignee and the lien of the mortgage shall not be extinguished or impaired by the removal of the mortgaged property from the county in which the mortgage is [recorded] filed without such waiver or consent

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Section 7 This act shall become effective immediately upon final enactment"

On the question,

Will the House agree to the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simon,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,

Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.
Burns,	Hess,	O'Connor,	Thompson, G.R.
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams,
Dalrymple,	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. AUKER from the Committee on Judiciary General reported as amended, House Bill No. 1274, entitled:

An Act providing for the taxing of additional costs in appeals taken to the Supreme and Superior Courts.

Mr. ROSE from the Committee on State Government reported as committed, House Bill No. 1465 (Senate Bill No. 419), entitled:

An Act to amend section 202 of and add a new section 425A to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction

Mr. ROSE from the Committee on State Government reported as amended, House Bill No. 1466 (Senate Bill No. 420), entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties cities boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and repealing certain acts and parts thereof

Mr. HABBYSHAW from the Committee on Motor Vehicles reported as amended, House Bill No. 1484, (Senate Bill No. 58), entitled:

An Act to amend paragraph seven of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companes associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaged in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Cmmission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provsions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals.

Mr. BRETHERICK from the Committee on State Government reported as amended, House Bill No. 1488, (Senate Bill No. 635), entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 955) entitled "An act to

promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions and declaring bonds of an authority negotiable instruments proper for legal investments and free from taxation.

Mr. GATES from the Committee on Banking reported as committed, House Bill No. 1498, (Senate Bill No. 675), entitled:

An Act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties.

Mr. HESS from the Committee on State Government reported as amended, House Bill No. 1470, (Senate Bill No. 759), entitled:

An Act to amend section one of the act, approved the seventh day of May, one thousand nine hundred and twenty-three (P. L. 158), entitled "An act creating a Legislative Reference Bureau; providing for the election of a director by the General Assembly; designating the officers and employes of such bureau, defining their duties; fixing their salaries; abolishing the present Legislative Reference Bureau; and making an appropriation," providing for the location of the bureau.

Mr. JIROLANIO from the Committee on State Government reported as committed, House Bill No. 1412, (Senate Bill No. 431), entitled:

An Act to amend sections one and six of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates; and defining the term "licensed weighmaster."

Mr. JIROLANIO from the Committee on State Government reported as committed, House Bill No. 1493, (Senate Bill No. 761), entitled:

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employes.

Mr. AUKER from the Committee on State Government reported as committed, House Resolution No. 72.

Mrs. FAUSET from the Committee on Federal Relations reported as committed, House Resolution No. 22.

RESOLUTIONS

JOINT STATE GOVERNMENT COMMITTEE REQUESTED TO SURVEY LAWS

Mr. GATES offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 16, 1939.

Whereas, There are many laws upon the statute books of the Commonwealth which are obsolete, unnecessary and unworkable; and

Whereas, The presence of such acts upon the statute books only makes for confusion; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, hereby requests the Joint State Government Committee to make a survey of the laws of the Commonwealth, pick out such acts as to them seem inconsistent and prepare bills for the repeal thereof for introduction at the next Session of the General Assembly.

BIRTHDAY CONGRATULATIONS

Messrs. FREED and LICHTENWALTER offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 15, 1939.

The Honorable Jacob L. Moser received a gift today, the occasion, his birthday, age unknown. However, it is possible to conclude that he is upward of twenty-one years of age, although the present belies the fact.

There is no Pennsylvania Manual yet published from which his age can be ascertained, as in the case of so many members of the house, but it is comparable to other Spanish and American War Veterans of the House.

In his native habitat the Honorable Jacob is the publisher of the Minor Judiciary of Pennsylvania and it is plausible to conclude that he is a master at the art, otherwise his constituents would not have sent him here to add his luster and lustiness founded upon his great wisdom as a publisher to the deliberations of this house; therefore, be it

Resolved, By the members of the House of Representatives of the General Assembly of the Commonwealth of

Pennsylvania, That we heartily congratulate our fellow Member, the Honorable Jacob L. Moser upon the occurrence of his birthday and not only wish him many happy returns of the day, but we hope that they will often be celebrated here with us and that as his days grow longer, his tribe increase and his glory brighter; and be it further

Resolved, That as a lasting souvenir of this particular birthday, a copy of this resolution shall be prepared and transmitted to the Honorable Jacob L. Moser by the Chief Clerk of this House.

Mr. JACOB L. MOSER. Mr. Speaker and members of the House, after sitting on the side lines for sixty years, I assure you that I very much appreciate the honor you have bestowed upon me today. Thank you.

BIRTHDAY CONGRATULATIONS

Messrs. AUKER and JONES offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 16, 1939.

The attention of the House is called to the Honorable George W. Fisher, the member from Huntingdon County, who occupies seat No. 68 in the fourth row and in the very center of the House.

No one would believe by looking at him or hearing him talk, that today marks the sixty-eighth anniversary of his birth.

It is reported that his good wife, who is here today celebrating the occasion, reports that at the rate his tongue goes one would think him less than thirty years of age.

The secret of his youthful appearance is that he is a baker and eats heartily of his own product. His rolls and bread and cakes have not only helped him retain his youth, but their quality has made him popular with his constituents; therefore be it

Resolved, by the Members of the House that we extend to our member the Honorable George W. Fisher our warmest and heartiest congratulations upon this the anniversary of his natal day, wish for him many more happy returns of the same and hope that he may always have the dough and will always know how to turn it into products that will keep him youthful and popular with his home people, and be it further

Resolved, That a copy of this resolution shall be transmitted by the Chief Clerk to our sixty-eight year old member.

Mr. FISHER. Mr. Speaker and members of the House, I appreciate the sentiments expressed in Mr. Auker's resolution. Birthdays may come and birthdays may go but this is just another day after you have passed fifty. My wish is, Mr. Speaker, to you and this House, that you will enjoy as good health as I have enjoyed, and have as good a time as I have had and feel as young as I do at my age.

The SPEAKER. The Chair would say to the gentleman from Huntingdon if, as he understands from this resolution, the youthful appearance of the gentleman from Huntingdon is occasioned by eating bread and rolls, the Chair expects to be in the same condition.

Mr. FISHER. Yes, Mr. Speaker, by eating Fisher's bread and rolls.

The SPEAKER. The Chair thanks the gentleman from Huntingdon for his offer to supply the Speaker with bread and rolls.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 16, 1939.

Resolved (if the Senate concur), that House Bill No. 527, Printer's No. 585, entitled "An act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways" be recalled from the Governor for the purpose of amendment.

RESOLUTION

MEMORIALIZING CONGRESS

Mr. TRONZO offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 16, 1939.

Whereas, Growing out of the searching investigations made by the United States Senate subcommittee pursuant to a resolution to investigate violations of the rights of free speech and assembly and interference with the right of labor to organize and bargain collectively, there has been introduced in the Congress of the United States, by Senators Robert A. LaFollette, Jr. and Elbert D. Thomas, Senate Bill No. 1970, for the purpose of abolishing certain labor practices; and

Whereas, The purpose of this bill is to stop those evil practices which have been injected into and intensified labor disputes to the detriment of fair-minded employers, labor and the public who place their reliance on mutual goodwill and collective agreement; and

Whereas, Pennsylvania as a leading industrial State is particularly concerned that the legislation it has placed upon its statute books to make civil rights effective and encourage friendly labor relations may be continued and supported by Federal enactment to cover inter-state commerce; therefore be it

Resolved (if the Senate concur), That the General Assembly memorialize the Congress of the United States to pass Senate Bill No. 1970; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House of Representatives to the presiding officer of the Senate and Speaker of the House of Representatives of the United States.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

BILLS ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to the first reading calendar and take up the bills which were passed over. The bills are now on file. The Chair hears no objection.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 625, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1381, entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 341, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1120, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 434, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1141, entitled:

An Act making an appropriation to the Trustees of The Pennsylvania State College for repairs to the physical plant at the Mont Alto State Forest School.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 438, entitled:

An Act making an appropriation to the Department of Commerce.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 771.

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made and by adding thereto provisions preserving the lien of chattel mortgages against bailment leases and conditional sale agreements under certain conditions and providing for the filing indexing and docketing of such chattel mortgages in lieu of recordation and providing additional methods for foreclosure of such chattel mortgages.

HOUSE BILL No. 1297.

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (P. L. 395) entitled "An act regulating the sale of concentrated commercial feeding stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plat refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat-, rye-, corn- and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

BILL ON FINAL PASSAGE

Mr. HABBYSHAW asked and obtained unanimous consent to call up out of order House Bill No. 936, on page 19 of today's calendar.

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 936, as follows:

An Act to amend section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled as amended "An

act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended giving the board additional powers relating to the removal and relocation of gas water and telephone telegraph electric light and electric power lines highways railroads and other facilities and the payment of costs and damages incident thereto"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Laws 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" which was reenacted and amended by the act approved the tenth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 43) is hereby further amended to read as follows

Section 10 Contracts and Acquisition of Property All work of any character whether performed by the board under the authority of this act except as hereinafter provided in connection with any State public flood control works and improvements involving an expenditure of more than one thousand dollars shall be performed under written contract let by the board to the lowest responsible bidder after due advertisement as prescribed by the board except however that the board may enter into contracts or agreements without advertisement with any person corporation or municipality covering the removal or relocation of gas water and telephone telegraph electric light and electric power lines highways railroads or other facilities and provided therein for said removal or relocation by the person corporation or municipality owning such facility The board may acquire any necessary easements and rights-of-way and may pay all costs and damages necessary arising from and incidental to said removal or relocation Payment shall be made from the fund

The board may sell lease [and] or otherwise dispose of [lands buildings or other property] all property real personal or mixed acquired under the provisions of this act not needed by the Commonwealth for reservoir or flood control purposes subject to the approval of the Governor The moneys received through such sale lease or other disposition shall accrue to the fund

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constiution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Schwab,
Auker,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simon,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boies,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Connor,	Thompson, G.R.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Tronzo,
Carpenter,	Hocke,	Ominsky,	Trout,
Check,	Hoffman, J. N.,	O'Neill,	Van Allsburg,
Chervenak,	Hoffman, S. K.,	Peacock,	Van Belle,
Christler,	Holland,	Peale,	Voorhees,
Clark,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Watkins,
Cohen, R. E.,	James,	Reagan,	Webster,
Cook,	Jirolanio,	Reese, D. P.,	Weiss,
Cooper,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jones,	Regan,	Welsh, M. J.,
Corrigan,	Kane,	Reynolds,	Westrick,
Cortese,	Keenan,	Rhodes,	Wilkinson,
Curran,	Kenehan,	Rider,	Williams,
Dalrymple,	Kilroy,	Riley,	Wilson,
Denman,	Kline,	Robertson,	Winner,
DeNote,	Knoble,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Cities—First Class, Wednesday, at 9:30 a. m., in Room 546.

Cities—Second Class, Wednesday, at 9 a. m., in Room 546.

Counties, Wednesday, at 9 a. m., in Room 100.

Highways, Wednesday, at 9:30 a. m., in Room 324.

Judiciary Special, Wednesday, at 9:30 a. m., in Room 333.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 10 a. m.

The motion was agreed to, and (at 4:50 p. m.) the House adjourned until Wednesday, May 17, 1939, at 10 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., WEDNESDAY, MAY 17, 1939. No. 57.

SENATE

WEDNESDAY, May 17, 1939.

The Senate met at 1:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

"The eyes of all wait upon Thee, O God; Thou givest them their meat in due season. Thou openest Thine hand and supplieth the desires of every living thing."

Just as the physical body demands food for daily sustenance, so does the soul of man demand spiritual food for the normal functions of our stewardship for Thee.

Give us, then, that good of truth, righteousness and love that our labor here may rightfully be colored by it and the resulting legislation a lasting testimony to Thy guiding hand.

As we live, move and love our being in Thee, may we truly be thankful unto Thee for the privilege of serving in Thy vineyard once more in the fleeting minutes of this day of Thy creation. In Thy holy name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. SHAPIRO, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I wish to rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, and members of the Senate, let me, for the purpose of soothing the nerves of persons who get major hysteria whenever I plead for the Butler Tuberculosis Sanatorium—using a medical term, or I think it is a medical term—and assure them that this is not a sanatorium speech, often miscalled even in this Senate sanitarium.

Mr. President, I wish to talk for just a few minutes on another question that is vitally important to thousands of my constituents and to thousands of other people over Pennsylvania—important to the farmers, especially to the milk producing farmers.

I want to say a few words as to raw milk and as to pasteurized milk. Raw milk is the most palatable milk, it is the most digestible milk, it is the most nourishing milk. Every farmer knows that if he fed or were to feed a calf pasteurized milk it would likely end its earthly career within two weeks.

Now, I am getting a good many letters from representatives of the milk trust telling me that it is highly dangerous to use raw milk. One letter in particular, from Western Pennsylvania, told me that if a cow drinks water that has disease germs in it those disease germs will be in her milk. He went to such great length that I almost took it for granted that he meant to say that if a cow would drink muddy water she would produce muddy milk.

The cow is one of the most valuable and useful animals to mankind, and I hate to see her reputation ruined by representatives of the milk trust. The cow has one of the best of nature's laboratories, and if, perchance, she drinks impure water with disease germs in it, that laboratory takes care of those disease germs. If she drinks water, for instance, that has typhoid, such typhoid will not be in her milk. If she has tuberculosis in areas removed from the udder, and the milk ducts, her milk is free from tuberculosis. The State of Pennsylvania recognizes this fact, and when it inspects cows that have tuberculosis of the lungs, for instance, and no infection near the milk ducts, Pennsylvania permits the meat of such cows to be put on the market.

The pasteurizing temperature, as every well informed person knows, is 142 degrees. Such temperature does not kill vicious disease germs. If you want to make either water, or milk that has typhoid, or the various types of streptococci, free from such germs, it is necessary that you boil it; and if you want to be safe you had better boil it for fifteen minutes. The medical profession knows this. I was just talking to my good friend, the Senator from Warren, Mr. Chapman, who is a mighty good doctor—because I took some of his medicine in the last session and I am now in as good health as ever. He tells me that the rule around the hospitals is, when the doctors sterilize their instruments in hot water they boil them anywhere from twenty minutes to a half hour.

All the pasteurizing temperature does is to kill most of of the fermentation bacteria, but not all of them even. I have milk producing farmers in my good old county of Butler that produce raw milk that has less fermentation bacteria in it than the average pasteurized milk, according to weekly laboratory tests in Pittsburgh. Yes, indeed, it is true that if milk, for instance, would have typhoid in it before pasteurizing it would likely contain more after it is pasteurized. That temperature would simply hatch out—to use the expression—a lot of new germs.

What I am getting at is this: that the milk trust mis-

represents both raw milk and pasteurized milk in order to shut off the market of pure raw milk for those who prefer such milk. It has been a common practice of the milk trust to send its agents in the guise of lecturers and the like to address womens' clubs and other organizations into the towns and hold up before them the appalling picture of dead babies—babies killed by drinking raw milk, and telling them that pasteurized milk kills disease germs.

Well, if raw, pure raw milk is so dangerous to the life of babies, it is remarkable that we old farmers can raise any babies at all, because there are few, very few, babies on farms that ever tasted pasteurized milk. Farmers know the difference between pasteurized milk and raw milk; but the only babies on farms that I can think of that are using pasteurized milk in preference to the pure raw milk from nature's own laboratory are a few farmers up around Allentown, according to the testimony by a milk dealer near Allentown at one of the hearings of the Milk Investigating Commission. He told us, in speaking of the dangers of raw milk, that some of the farmers that sell milk to his company do not use the raw milk that they produce on their own farms, but buy pasteurized milk from his company. I should like to take a look at those farmers; I should like to see the color of their hair.

But the milk trust, as I say, send their agents into a town to misrepresent raw milk, saying it cannot be produced free from disease germs if the cow happens to drink some disease germs; telling them of the dead babies that undertakers will be called in to bury if they feed their children raw milk; and telling them the way to be safe is to use pasteurized milk. And so, the first thing we know the town becomes so excited that the town council passes an ordinance forbidding the sale of raw milk in that town. Then the adjoining farmer, even though he has immaculate stables and complies with all the sanitary regulations in the handling of his milk, can not sell it to the neighbors in his town unless he goes to the prohibitive expense of putting in a pasteurizing plant, which in most cases he cannot do. Then the market for his milk to his town neighbors is shut off and the milk trust brings in pasteurized milk from the unclean and uninspected stables of the Middle West; pasteurized milk that is probably two weeks old before it reaches the tables of the consumers. Here and there there is even a medical doctor so friendly to the milk trust that he joins the dead baby battalion; here and there one bobs up, as recently, even in the Western part of the State, where I come from.

I want it to be understood that I am not opposed to pasteurized milk generally. I know that the main purpose of pasteurizing milk is to keep it from souring, is to make it able to be transported long distances. In fact, pasteurized milk will not sour, it prefers to rot. So we have to have pasteurization of milk if we are going to transport it long distances; but the point I make is this: I am opposed to the misrepresenting of raw milk and the misrepresenting of pasteurized milk by agents of the milk trust in order to shut out the market for the clean, pure raw milk of the farmer producing it for people who know the virtues of raw milk and who wish to buy raw milk.

There is not a bigger bugaboo, not a bigger misrepresentation in industry in Pennsylvania than this misrepresentation of raw milk and pasteurized milk; not a bigger misrepresentation. So I want to be on record as making this protest. I want, as I say, not be misunderstood; I am simply opposed to the process of pasteurization in those cases where pasteurization is misrepresented and raw milk is misrepresented—to the destroying of the market for the raw milk of the farmer, produced under the most sanitary conditions.

Senator McGinnis asked me to tell the difference between raw milk and pasteurized milk. He is from the city. I will have to repeat that pasteurized milk is milk heated to a temperature of 142 degrees. I will repeat for his benefit that if he ever has a surgeon operate on him with instruments that have not been sterilized—and they must be sterilized before they open him up—I want him to be sure that that surgeon does not stop at 142 degrees temperature but boils those instruments for at least ten minutes.

Mr. WOODWARD. Mr. President, I am very much interested in the remarks of my colleague on the subject of milk, and I think I can give him some good advice. I believe, as he does in raw milk, and if the requirements for the production of raw milk were very stringent I think it could accomplish his purpose. The reason we have pasteurized milk is to protect the public against dirty milk. It is the same idea of course as, if you have to drink dirty water—it is safer to boil it; and the same thing applies to milk.

There is no question that raw milk is more digestible than pasteurized milk, and I think if the Senator would look up the law with reference to the inspection of milk, if he would tighten up some of those laws so that the raw milk on the market was above suspicion, he would do more to make a frontal attack on the milk trust than in any other way.

I might say, incidentally, I am a director, myself of the milk trust—of the Borden Company, which is a subsidiary of the milk trust. I am a director of a subsidiary, Walker-Gordon. When I attend their meetings I always put up this argument about raw milk; but the ordinances of New York and all the large cities require pasteurized milk, and they have no choice; but I am interested in what my colleague says about raw milk; and I simply want to reinforce what he says about the advantages of raw milk.

Mr. SIPE. Mr. President, may I interrogate the Senator from Philadelphia, Dr. Woodward?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. SIPE. Mr. President, the Senator from Allegheny, Mr. McGinnis, called my attention to the fact that I had left out saying anything about the relative nourishing qualities of raw milk and pasteurized milk. Probably he is right about it. I want to ask the Senator from Philadelphia, Mr. Woodward, whether he agrees with me that raw milk is more nourishing than pasteurized milk.

Mr. WOODWARD. Exactly, Mr. President; as soon as you pasteurize milk, by heating it, the process makes the fat globules less digestible, no doubt about it.

RECONSIDERATION OF SENATE BILL No. 953, (HOUSE BILL No. 1062)

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 953, (House Bill No. 1062), entitled:

An Act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power

Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8, 1937.

was defeated on May 15, 1939.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye" "nay."

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye" "nay."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 953, (House Bill No. 1063), go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL No. 331 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments having been printed and twice read as required by the Constitution,

The bill will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 373 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 373, entitled;

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments having been printed and twice read as required by the Constitution,

The bill will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 480 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows;

House Bill No. 480, entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed and twice read as required by the Constitution,

The bill will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 567 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 567, entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed and twice read as required by the Constitution,

The bill will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1074 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1074, entitled:

An Act to amend sections one and two of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," changing the number and term of members; furthur defining their powers and duties; and terminating the terms of members now in office.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed and twice read as required by the Constitution.

The bill will be noted on tomorrow's Calendar.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows;

House Bill No. 99, (Senate Bill No. 1064), entitled:

An Act to amend section one of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws 1055), entitled "Indeterminate Sentence, Probation and Penitentiary Parole Law," as amended, by permitting the court to suspend sentence and place defendant on probation in cases of conviction of any crime, under certain conditions.

Which was committed to the Committee on Judiciary General.

House Bill No. 190, (Senate Bill No. 1065), entitled:

An Act to further amend section seven hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "Vehicle Code," by making changes in fees for certain commercial motor vehicles and truck tractors.

Which was committed to the Committee on Highways.

House Bill No. 249, (Senate Bill No. 1066), entitled:

An Act to amend so much of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 167), entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law, for the said districts," as relates to the forty-seventh judicial district, by reducing the number of judges of the court of common pleas of said district.

Which was committed to the Committee on Judiciary General.

House Bill No. 509, (Senate Bill No. 1067), entitled:

An Act to amend article four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," regulating and providing for the keeping and auditing of the accounts of moneys collected by the county treasurer for the various taxing units within the county, and for payment of such moneys to the said taxing units.

Which was committed to the Committee on County Government.

House Bill No. 521, (Senate Bill No. 1068), entitled:

ALIENS TO BE EXCLUDED IN COMPUTING RATIO OF SENATORIAL AND LEGISLATIVE APPORTIONMENT

A Joint Resolution proposing amendments to sections sixteen and seventeen of article two of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

House Bill No. 550, (Senate Bill No. 1069), entitled:

An Act making an appropriation to the Department of Property and Supplies, to provide cases for the display of colors and standards of the World War and expenses connected therewith.

Which was committed to the Committee on Appropriations.

House Bill No. 607, (Senate Bill No. 1070), entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar, over which bar, alcoholic, malt or vinous beverages are sold and providing penalties.

Which was committed to the Committee on Law and Order.

House Bill No. 700, (Senate Bill No. 1071), entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled as amended "Barbers License Law," by changing the provisions as to fees charged apprentices and students; prohibiting advertising by registrants; requiring all barber shops to be registered and transferring the administration of the provisions of this act to the State Board of Barber Examiners.

Which was committed to the Committee on Education.

House Bill No. 793, (Senate Bill No. 1072), entitled:

An Act to amend section seven of the act, approved the the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "Criminal Procedure Act of 1860" providing that in cases where a person is accused of manslaughter by means of a motor vehicle, he may be admitted to bail by the justice, mayor, recorder, magistrate or alderman.

Which was committed to the Committee on Judiciary General.

House Bill No. 805, (Senate Bill No. 1073), entitled:

An Act prohibiting the recording of any broadcast without the permission and consent of the person or persons broadcasting same; and the offering for sale, selling, leasing, licensing or possession of such unlawful recording; and providing penalties therefore.

Which was committed to the Committee on Judiciary General.

House Bill No. 936, (Senate Bill No. 1074), entitled:

An Act to amend section ten of the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended; giving the board additional powers relating to the removal and relocation of gas, water and telephone lines, highways, railroads and other facilities, and the payment of costs and damages incident thereto.

Which was committed to the Committee on Public Utilities.

House Bill No. 943, (Senate Bill No. 1075), entitled:

An Act approving, ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio river drainage basin and making the State of Pennsylvania a party thereto; creating the "Ohio River Valley Water Sanitation Commission;" providing for the members of such commission from the State of Pennsylvania; and providing for the carrying out of said compact.

Which was committed to the Committee on State Government.

House Bill No. 1048, (Senate Bill No. 1076), entitled:

An Act to further amend clause (a) of section four hundred and seven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "Pennsylvania Liquor Control Act," changing the fees for hotel and restaurant liquor licenses in certain cases.

Which was committed to the Committee on Law and Order.

House Bill No. 1118, (Senate Bill No. 1077), entitled:

An Act authorizing Federal Savings and Loan Associations to issue share accounts in the name of certain minors and in the joint names of two or more persons, and validating the acquittances of such minors and validating the acquittances of either person in a joint account, under certain conditions, and outlining the procedure for the payment of share accounts issued in the name of a trustee following the death of the trustee.

Which was committed to the Committee on Banking.

House Bill No. 1341, (Senate Bill No. 1078), entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code;" extending the jurisdiction and powers of mayors, burgesses, magistrates, aldermen, justices of the peace and other officers having the power of committing magistrates in criminal proceedings, and of magistrates, aldermen and justices of the peace in civil proceedings under said act; and changing penalties and the circumstances under which operating privileges shall be revoked.

Which was committed to the Committee on Highways.

House Bill No. 1356, (Senate Bill No. 1079), entitled:

An Act to amend clause (e) of section six hundred and nine of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "Pennsylvania Liquor Control Act," as reenacted and amended, permitting hotel, restaurant, and club licensees to own land, but not the buildings thereon, where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law.

Which was committed to the Committee on Law and Order.

House Bill No. 1368, (Senate Bill No. 1080), entitled:

An Act to further amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "General Corporation Law," by not requiring the Governor to approve certain charters.

Which was committed to the Committee on Judiciary General.

House Bill No. 1420, (Senate Bill No. 1081), entitled:

An Act to amend the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled, as amended, "Transfer Inheritance Tax Law" by further defining the commissions of registers of wills; regulating the opening of safety deposit boxes of a decedent; permitting supplemental appraisements in certain cases; further defining allowable deductions and limiting the time within which claims for deductions may be filed; and conferring the act to existing law.

Which was committed to the Committee on Judiciary General.

House Bill No. 1421, (Senate Bill No. 1082), entitled:

An Act to amend the act, approved the seventh day of May one thousand nine hundred twenty-seven (P. L. 859), entitled "A supplement to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section three, imposing, and providing for, interest penalties on the estate taxes imposed under the provisions of the said act.

Which was committed to the Committee on Judiciary General.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 474

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 474, entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "General State Authority Act," fixing terms for the appointed members of the General State Authority, and terminating the terms of present members.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 433 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442) entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Said bill having been recalled from the Governor for

the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442) entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

House Bill No. 140, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and seventeen (Pamphlet Laws six hundred twenty-three), entitled "An act prohibiting the erection of fences or similar structures above a certain height, in suburban and similar districts of cities of the first class, except under a permit; declaring certain fences a private nuisance, and their erection a misdemeanor, and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof, to include fences in suburban and similar districts in cities of the second class.

House Bill No. 349, entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

House Bill No. 519, entitled:

An Act to amend paragraph six of section two of the act of June first, one thousand nine hundred one (P. L. 493) entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," as amended and extended to cities of the third class, boroughs, incorporated towns and townships of the first class, by eliminating the prohibition against connections to waterpipes by persons other than plumbers.

House Bill No. 737, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

House Bill No. 1266, entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County, Pennsylvania.

Whereupon,

The President (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

RESOLUTION RECALLING SENATE BILL No. 661 (PRINTER'S No. 90) FROM GOVERNOR

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 17, 1939.

Resolved (if the House of Representatives concur), That Senate Bill No. 661, Printer's No. 90, entitled "An act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION REQUESTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. HEYBURN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 17, 1939.

Resolved, That the use of the Senate Chamber be granted to the Senate Committae on Labor and Industry for a public hearing on Workmen's Compensation, on Thursday, May 18th, at 10:30 a. m., Daylight Saving Time.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1009, entitled:

An Act to amend the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2821), entitled "An act to regulate the sale, and advertising for sale, of goods, wares, and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, receivers, trustees, removal, or closing out sale, or sale of goods damaged by fire, smoke, or water, in cities and certain boroughs of this Commonwealth; and to prevent fraudulent practices in connection therewith, and providing penalties for the violation thereof, and for the

imposition of license fees for permission to conduct the same," by extending the provisions of said act to certain towns and townships, defining "person," "distress sale" and "closing out sale"; requiring the filing of additional information as to inventories and requiring the posting thereof; limiting the license to such goods as appear in the inventory; providing the effect of commingling goods and providing for the revocation of licenses, hearings thereon and appeals therefrom.

Mr. RUTH, from the Committee on Education, reported as amended, Senate Bill No. 407, entitled:

An Act to amend section five hundred and thirty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; an repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by allowing a change of the fiscal year of school districts of the second class.

He also, from the Committee on Education, reported as committed, Senate Bill No. 659, entitled:

An Act to add section four hundred and twelve to article four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts to enter into agreements with universities and colleges for the conduct of extension education.

He also, from the Committee on Education, reported as committed, Senate Bill No. 660, entitled:

An Act to amend section four of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," as amended, giving school districts power to enter into contract with public institutions of higher learning for the conduct of classes and to compensate such institution therefor, and providing for a partial reimbursement of such moneys from State and Federal funds.

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1004, entitled:

An Act to further amend section six of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by extending its provisions to sentences for any crime.

Mr. McGINNIS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 42, entitled:

An Act establishing and relating to a judicial council.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 283, (House Bill No. 355), entitled:

An Act to amend clause (c) of section forty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars; and reducing the time for petitions in such cases from one year to six months from the date of granting of letters.

He also, from the Committee on Judiciary General reported as committed, Senate Bill No. 285, (House Bill No. 357), entitled:

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distributon of the estates of presumed decedents; widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings,

and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by fixing the rate of interest to be paid on pecuniary legacies, and the time from which it shall be paid.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 287, (House Bill No. 441), entitled:

An Act to further amend clause (c) of section two of an act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by providing for the distribution by the orphans' court of certain estates of persons dying intestate.

He also, from the Committee on Judiciary General reported as committed, Senate Bill No. 297, (House Bill No. 359), entitled:

An Act to add clause (f) to section twenty-three of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills, to nuncupative wills; to the appointment of testamentary guardians to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor," by empowering the orphans' court, in certain cases, to extend the time for filing of elections by surviving spouses to take under or against wills of decedents.

He also, from the Committee on Judiciary General reported as amended, Senate Bill No. 298, (House Bill No. 362), entitled:

An Act to amend clause (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtiliage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," increasing the amount of estates of minors that may be paid without the appointment of a guardian

Mr. SHAPIRO, from the Committee on Judiciary General, re-reported as committed, Senate Bill No. 758, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

Mr. HALUSKA, from the Committee on Military Affairs, reported as committed, Senate Bill No. 762, (House Bill No. 197), entitled:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training

Mr. BARTLETT, from the Committee on County Government, reported as committed, Senate Bill No. 878, (House Bill No. 658), entitled:

An Act to add clause forty-six to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

He also, from the Committee on County Government, reported as committed, Senate Bill No. 738, (House Bill No. 1054), entitled:

An Act providing a method of annexation of parts of townships of the first class not in excess of twenty per centum of the assessed value of any such townships to contiguous cities of the second class boroughs or other contiguous townships of the first class and regulating the proceedings pertaining thereto

He also, from the Committee on County Government, reported as committed, Senate Bill No. 379, (House Bill No. 104), entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by, and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

Mr. FARRELL, from the Committee on Education, reported as committed, Senate Bill No. 1000, (House Bill No. 650), entitled:

An Act to amend section 6 of the act approved the first day of May, one thousand nine hundred and thirteen (P. L., one hundred thirty-eight), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State," by providing for the election of county supervisors of agriculture and homemaking, the election of principals, instructors and lectures for the Public Service Institute, and by further providing for the reimbursement by the Commonwealth of districts of the second, third, and fourth classes.

He also, from the Committee on Education, reported as committed, Senate Bill No. 517, entitled:

An Act to amend section 6 of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education, creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases," by making further provision for the levy and assessment of taxes and for reimbursements by the Commonwealth in certain cases.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1007, entitled:

A Joint Resolution proposing an amendment to section five, article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 1061, entitled:

An Act to amend section eight of the act, approved the thirty-first day of May, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds: fixing the maximum maturity of refunding bonds; and providing penalties," increasing the power of the Secretary of Internal Affairs, and adding a penalty for violating the provisions thereof.

He also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 479, (House Bill No. 182), entitled:

An Act to amend section four hundred twenty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, by extending the provisions as to headstones, markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

Mr. EALY, from the Committee on Judiciary General, reported as committed, Senate Bill No. 906, (House Bill No. 1171), entitled:

An Act to amend Section 1109-1, as added, and section one thousand one hundred and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any, other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further providing for the powers and limitations upon powers of corporations with fiduciary powers.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 526, (House Bill No. 864), entitled:

An Act to amend clause (b) of section six hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seventeen) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintance of certain indigent persons and children prescribing the powers and duties of county commissioners county teasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof and to levy taxes to pay interest and sinking fund charges on bonds of such districts

He also, from the Committee on County Government, reported as committed, Senate Bill No 629, (House Bill No. 927), entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district

auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district.

Mr. JAMES, from the Committee on County Government, reported as committed, Senate Bill No. 600, (House Bill No. 508), entitled:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 321, entitled:

An Act to amend section four of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts," by providing for the appointment of deputy sheriffs to serve during emergencies.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 945, (House Bill No. 1310), entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county, forms used in criminal proceedings before them.

BILLS RE-REFERRED

Mr. PIERSON, from the Committee on Public Utilities, reported Senate Bill No. 1036, (House Bill No. 1005), entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of fifty thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of two years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

with the request that it be re-referred to the Committee on Appropriations.

He also, from the Committee on Public Utilities, reported Senate Bill No. 1037, (House Bill No. 1007), entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of fifty thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of two years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts

with the request that it be re-referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

He also, from the Committee on Public Utilities, reported as amended, Senate Bill No. 495, entitled:

An Act to amend sections three and four of the act, approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "Ar act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties, making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by providing that contracts shall not be required for private wires used for radio broadcasting by certain protective services or in interstate commerce.

Mr. HOMSHER, from the Committee on Municipal Government, reported as amended, Senate Bill No. 665, (House Bill No. 555), entitled:

An Act authorizing the abatement of certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

He also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 966, (House Bill No. 860), entitled:

An Act to amend section fifteen of and to add sections 15.1, 15.2 and 15.3 to the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for

the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, further regulating the filing of claims for taxes, water rents or rates, lighting rates, power rates and sewer rates; by political subdivisions other than cities of the first class, cities of the second class and school districts of the first class, removing the right to revive, extend or continue the lien of such claims, hereafter filed; prescribing the time for selling properties for the non-payment of such claims, authorizing the filing and revival of lines heretofore lost and in certain cases reviving, validating, preserving and extending liens.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 952, (House Bill No. 1019), entitled:

An Act authorizing cities of the third class boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

He also, from the Committee on County Government, reported as amended, Senate Bill No. 985, (House Bill No. 543), entitled:

An Act to amend the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by further regulating the lien of such taxes; removing the right to revive, extend or continue such liens; extending the provisions of said act to institution district taxes; authorizing the return of certain taxes after the time limit for such returns has expired; validating, preserving and extending liens in certain cases; prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon other liens; changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time.

He also, from the Committee on County Government, reported as amended, Senate Bill No. 838, (House Bill No. 979), entitled:

An Act defining the rights, powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of city in cities of the third class, borough, town, township, school district and institution district taxes; providing for the collection of such taxes by suit, district and lien and sale of the chattels of taxable and of tenants on the real estate effected and from employers of delinquent taxables, authorizing the appointment of deputies by the tax collectors; defining certain defaults of tax collectors as embezzlements and imposing penalties.

Mr. WOLFENDEN, from the Committee on Insurance, reported as committed, Senate Bill No. 901, (House Bill No. 1130), entitled:

An Act to amend section two of the act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates

Mr. OWLETT, from the Committee on Finance, reported as committed, Senate Bill No. 921 (House Bill No. 1260), entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" excluding proceeds of life insurance policies from the provisions thereof

He also, from the Committee on Finance, reported as committed, Senate Bill No. 922, (House Bill No. 1262), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," excluding proceeds of life insurance policies from the provisions thereof.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 940, (House Bill No. 1114), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money for property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting money payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriations for public assistance and for advances to local county boards of assistance; providing further for the refund of certain moneys paid into the State Treasury without escheat, extending the time

limit within which petitions for review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock, p. m., E. S. T.

Mr. GELDER. Mr President, I second the motion

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I should like to inquire from the gentleman from Tioga whether this "five o'clock" he mentioned is going to mean a prompt five o'clock session.

Mr. OWLETT. It will be five o'clock, Mr. President.

Mr. SHAPIRO. I understand this recess is for the purpose of allowing certain committees to meet to consider certain legislation which they want to finish, and that this recess is for the purpose of obviating the necessity of the Senators waiting around until the committees are through; but I do hope that we will meet promptly at five o'clock, because I do not want to be knocked out; and I think we should all get a little rest.

Mr. OWLETT. Mr. President, I want to assure the Senator from Philadelphia, Mr. Shapiro, that the Republican Caucus will not extend its time as has the Democratic Caucus on occasions. We will reconvene promptly at four p. m., Eastern Standard Time.

The PRESIDENT. For the information of the Senate, your presiding officer will be here at four o'clock, at which time, promptly, this Senate will be called to order.

Mr. SHAPIRO. If I get that assurance, Mr. President, it will be all right.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 661

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 17, 1939.

Resolved (If the House of Representatives concur) That Senate Bill No. 661, (Printer's No. 90), entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 193

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 193, entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1193

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 17, 1939.

Resolved, (If the Senate concur), That House Bill No. 1193, Printer's No. 362, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

be recalled from the Governor for the purpose of amendment.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1212

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 17, 1939.

Resolved, (If the Senate concur), That House Bill No. 1212, Printer's No. 396, entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

be recalled from the Governor for the purpose of amendment.

BILLS INTRODUCED

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair, Senate Bill No. 1083, entitled:

An Act to further amend sections one and four of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 1017), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by extending the provisions thereof to include grand jury investigations.

Which was committed to the Committee on Judiciary General.

Mr. SIPE. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SIPE at the request of Senator Jaspan, read in place and presented to the Chair, Senate Bill No. 1084, entitled::

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in place and presented to the Chair, Senate Bill No. 1085, entitled:

An Act making an appropriation to the Hahnemann Hospital, of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. DENT. Mr. President, we have heard a lot of discussion during this session about the milk question. Mr. President, after working for the past four months on some type of legislation that may cure the evils that prevail in that industry.

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT read in place and presented to the Chair, Senate Bill No. 1086, entitled:

An Act relating to milk and the products thereof, declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery and sale of milk and the products thereof; authorizing the board with the approval of the Governor to fix prices to be paid or charged for milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers and affairs of and requiring the filing of reports by licensees, other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties making an appropriation and repealing certain acts.

Which was committed to the Committee on Agriculture.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 474, as follows:

An Act to amend a part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" providing for the payment of costs in dismissed summary conviction proceedings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the paragraph relating to the payment of costs in dismissed summary conviction proceedings contained in section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" is hereby amended to read as follows

In all summary conviction proceedings in which the evidence is not sufficient to convict and the defendant is dismissed the costs of the suit shall be divided between the prosecutor and the defendant but in no one case shall the justice of the peace or alderman impose more than one-half of the costs on the defendant Provided however that where a political subdivision or a police officer of any political sub-division or the Commonwealth is the prosecutor the cost shall be paid by the county

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. HEYBURN: Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Ealy.	James.	Pierson,
Cavalcante,	Edmonds,	Kilgallen,	Ruth,
Chapman,	Eroe,	Letzler,	Snowden,
Coleman,	Farrell,	Mallery,	Stevenson.
Crowe,	Gelder,	McCreesh,	Tallman,
Deitrick,	Geltz,	McGinnis.	Thomas.
Dent,	Haluska,	Miller,	Wolfenden,
DiSilvestro,	Homsher,	Owlett,	Woodward.

NAYS—6

Heyburn,	Rice,	Sipe,	Walker.
Reed,	Shapiro,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 611, (House Bill No. 1063), entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining the regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL No. 611
(HOUSE No. 1063)

Mr. OWLETT. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. OWLETT. Mr. President, I ask uanimous consent to amend sec. 1 (Sec. 521.1), page 8, line 13, by striking out with heavy-faced brackets the word S "hospitalization" and insert in lieu thereof "hospital expense benefits;" amend sec. 1 (Sec. 621.1), page 8, line 19, by striking out with heavy-faced brackets the word S "hospitalization" and insert in lieu thereof "service"

On the quesiton,

Will the Senate agree to the amendments?

Mr. SHAPIRO. I object, Mr. President, because we skipped a day. We did not amend it yesterday and I do not think we should amend it today.

Mr. OWLETT. Mr. Presient, some of the sponsors of this bill were enbarrassed and did not want to offer the amendments, and therefore I agreed to submit them.

Mr. SHAPIRO. I will withdraw the objection, Mr. President, if they promise to amend it again tomorrow.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 709, (House Bill No. 563), entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I did not mind this bill until this last amendment was offered. The first amendment may be in line with the duties, although I doubt it; but the second amendment, which requires that a corporation cannot engage in the undertaking business unless every person engaged is a licensed undertaker goes just a little bit too far in my opinion.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 709, (House Bill No. 563), on final passage, go over in its order.

The PRESIDENT. Is there objection?

The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 851 as follows:

An Act to amend section twenty-five of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the consolidation of the third class city general registers with the general register of boroughs towns and townships of the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-five of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded In any county where the registration cards of the cities are of the same type as those used in the boroughs towns and townships and in the opinion of the commission can be consolidated into one duplicate registration it shall be the duty of the commission to place the duplicate registration cards for all cities and all boroughs towns and townships in exact alphabetical order which shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of the city or the general register of all such third class cities boroughs towns and townships as the case may be and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrich,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clrek present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 852 as follows:

An Act to amend section twenty-four of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifiacations of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for consolidation of all third class city general registers with the general register of the boroughs towns and townships of the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-four of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointtees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 24 General Register The duplicate registration cards for all boroughs towns and townships within the county shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded In any county where the registration cards of the boroughs towns and townships are of the same type as those used in the cities and in the opinion of the commission can be consolidated into one duplicate registration it shall be the duty of the commission to place the duplicate registration cards for all boroughs towns and townships and all cities in exact alphabetical order which shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of the boroughs towns and townships or of all such third class cities boroughs towns and townships in the county as the case may be and shall not be removed from the office of the commission except upon order of a court of record of the county wherein such third class city borough town or township is located

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 244, entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the

sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights power and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, in connection with this bill, I am not quite certain whether this is the bill discussed by a committee of bankers at a meeting of the Committee on Judiciary General before I came there this morning, but this bill apparently has the same intent and purpose as the bill which was discussed this morning, and I am opposed to this bill.

I think it is a mistake to do what we are doing in this bill, and the other one which I think was reported out, and that is to permit a fiduciary to occupy two positions; to have a personal interest in a trust which he is supposed to represent, and also to be a fiduciary in the same trust.

That is what this bill does, and that is what is proposed by the bill reported out, to allow a trustee—a bank or trust company to be a trustee for a piece of property on which there is a mortgage, to have a personal interest in that mrotgage, or part of it, and sell five-sixths, three fourths or one half or seven-eighths of its interest in that mortgage to its trust department; and then it acts in two capacities, one as the owner of a portion of the property, and the other as trustee; and the same thing is permitted in this bill and I do not think it is a proper condition to permit.

I would like to ask the gentleman from Indiana, Mr. Wolfenden, if that was his intent when he introduced the bill.

Mr. WOLFENDEN. Mr. President, you have such a situation, particularly in country banks and country trust companies, that this is about the only way you can handle it, if you are going to take trust funds in small amounts, and keep them on an earning basis.

If the gentleman from Philadelphia will make any suggested amendments that will be helpful, I will be very glad to hear them. For his information, I would say that the Banking Department stated as long as there were sufficient safeguards in the act to prevent any double dealing, as the Senator suggested might be possible, because of the double capacity in which the bank acted, they thought it was perfectly safe.

Mr. SHAPIRO. Mr. President, first of all, may I disclaim any suggestion that there will be any double dealing by the bank, but I do insist upon my position that no person can occupy two contradictory positions and do them both right. You can not carry water on both shoulders.

Mr. WOLFENDEN. Mr. President, at the present time where you have a corporation functioning as both a bank and a trust company, they are performing dual functions, and the only difference is that the Senator from Philadelphia objects to dual functions being performed in the same transaction; is that correct?

Mr. SHAPIRO. Mr. President, I am objecting to a person being a fiduciairy and at the same time being a trustee for me and at the same time having a personal interest in the estate; that is what I am objecting to. I might suggest to the gentleman from Indiana, Mr. Wolfenden, that there has been adopted by this Senate a method of taking care of those cases. These so-called small funds, they tell me, do not amount to more than a thousand dollars.

Mr. WOLFENDEN. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, we passed a bill, a few days ago, in which we permitted saving banks to accept trust funds, and we permitted executors, administrators and trustees to invest in saving banks up to $1,000—increased the limit from $500 to $1,000—so they can get 3.65 per cent interest in those banks which are paying that.

That, in some measure, took care of that situation, and I think it is enough for the time being. I do not believe we ought to pass laws allowing trust companies to advertise and say, "Let us take care of your interests, let us be your trustee," and at the same time have those banks selling us these properties which they have in their commercial department; and the situation will occur where they have a three-quarter interest in a property and I have a one-quarter interest in that same property—and I think they are bound to look after their three-quarter interest, honest as they may be, and if the situation is reversed they will be careless of my position. I do not think it a consistent position at all.

Mr. WOLFENDEN. Does the gentleman from Philadelphia, Mr. Shapiro, want the bill to go over in its order?

Mr. SHAPIRO. Mr. President, I think it should go over or be defeated, I do not care which.

Mr. MALLERY. Mr. President, the bill we passed in the past week or so, to which the Senator from Philadelphia referred, takes care of small loans in a measure, but money so invested pays two or two-and-a-half per cent interest, at the utmost three per cent; but the bill that the Senator from Indiana now is sponsoring, and which is up for passage, would enable trust companies to invest these small sums at interest at as much as six per cent. The bankers who are fiduciaries think it is no more than right—and I think there is some reason in their contention—that they should realize as much for these people as possible.

This bill will enable them to invest money at five or six per cent, and double the income.

Mr. EDMONDS. Mr. President, may I say that this bill came from the Committee on Banking, not from the Committee on Judiciary General. It does not create fractional interests; they are permitted now. The primary object of the bill is shown in the section which enables an individual fiduciary to join in the investment of funds of an estate of which he is a fiduciary—and that was because there is an tmbiguity in the Earle law which led to some doubt as to whether or not the individual could do that.

Now, it says, later on, that if there is a mortgage investment fund the funds may go into that. Let me remind you, gentlemen, that two years ago the Legislature passed an excellent mortgage investment fund act, with all sorts of protections that could be devised, and while it has not yet,

as a matter of fact, come into actual use—because of some difference between it and the Federal Reserve requirements, which will require some change in the Federal laws—it nevertheless is on our books and if the day ever comes that an investment will be permitted in a mortgage investment fund I think our legislators may well be satisfied it will be in accordance with the stringent provisions which were enacted here a few years ago.

Mr. SHAPIRO. Mr. President, I would like to answer the Senator from Montgomery, Mr. Edmonds, by calling attention to a provision on page 4 of this bill, to which I particularly object: "An individual fiduciary may join in the investment of the funds of the estate, of which he is a fiduciary in such investments, when such individual fiduciary is acting as a co-duciary with the person, trust company, bank and trust company, or national banking association creating such fractional undivided interests, or with the trust company, bank and trust company, or national banking association establishing and maintaining any such common trust fund or mortgage investment fund."

By the time I got through reading that bill I did not know what position the fiduciary exercised, and I doubt whether they will know; and it strikes me that it is not so much a question of the interest the estate is going to get but the safety of the investment.

I listened to the bankers this morning, and they agreed with me; I spent an hour trying to find out whether the problem could be solved. They agreed with me that in a large city that is a dangerous situation, but a necessity in the small community, that is another matter but certainly we ought not to saddle sixty-four or sixty-five counties with this kind of legislation; it would give the cestui que trust a little more interest and a great deal less safety.

Mr. EDMONDS. Mr. President, the section of page 4, to which the gentleman from Philadelphia, Mr. Shapiro, referred, arises out of an opinion of counsel that an individual fiduciary need not join with a corporate fiduciary in making investments. My feeling is, it is a lot better that he should join. It means the individual fiduciary will do his work as well as the corporate fiduciary; and that really safeguards the point the Senator from Philadelphia, is raising, because it brings the benefits of a collective judgment.

Mr. CAVALCANTE. Mr. President, I think last week we passed a bill, and after its passage I called the attention of this Senate to the fact that it was an act which validated transactions between a fiduciary and the bank of which they were also a part.

Now the specific course of that was that during the time of the depression, when money was scarce and mortgages depreciated in value, banks with trust departments had taken mortgages from their commercial department that had depreciated in value, and had taken the widows' and orphans' money out, the trust funds, and bought from their commercial department those worthless, good-for-nothing securities, those mortgages. As a result of that, when the banks crashed then there were the widows and orphans with their money invested in worthless mortgages.

Now, as I said—I think it was last week—this Senate passed an Act of Assembly validating transfers of that kind, because that act was necessary, because the courts of our Commonwealth held that a fiduciary standing in that double position had knowledge of the fact that those mortgages in their commercial department, which they transferred and bought with the orphans' and the widows' funds were worthless and depreciated in value, and the court held the bank responsible, and of course sequence of that was the stockholders of that bank were liable to assessment for payment to the creditors of the bank. Despite that knowledge we passed a bill last week validating those transfers.

Now, this bill before us would make lawful those kinds of transactions in the future. If you are going to permit the trust section of a bank to join in with the commercial department of the same bank in transfers of these mortgages, or other securities of the commercial department, you are going to legalize a situation that the Supreme Court has declared now to be unlawful—that it was unlawful when they did it in the years past.

You pass this act and it will permit them to do that without any danger of being punished or without any danger of being liable for buying from their commercial department, with fiduciary funds, worthless and good-for-nothing securities.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I ask that the roll be verified.

The PRESIDENT. The Clerk proceed to verify the roll.

Those voting in the affirmative were Messrs. Bartlett, Chapman, Crowe, Dando, Deitrick, Ealy, Edmonds, Eroe, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Kilgallen, Letzler, Mallery, McGinnis, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker and Wolfenden.

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmatvie vote will stand as verified.

Those voting in the negative were: Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Haluska, Kunkel, McCreesh, Reed, Rice, Ruth, Shapiro, Sipe and Woodward.

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Eroe,	Kilgallen,	Scarlett,
Chapman,	Farrell,	Letzler,	Snowden,
Crowe,	Gelder,	Mallery,	Stevenson,
Dando,	Geltz,	McGinnis,	Tallman,
Deitrick,	Heyburn,	Miller,	Thomas,
Ealy,	Homsher,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden.

NAYS—13

Cavalcante,	Haluska,	Reed,	Shapiro,
Coleman,	Kunkel,	Rice,	Sipe,
Dent,	McCreesh,	Ruth,	Woodward.
DiSilvestro,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent

that Senate Bill No. 267, (House Bill No. 449), on third reading, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

go over in its order.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I object.

MOTION TO RECOMMIT

Mr. CAVALCANTE. Mr. President, I move that this bill be sent back to the committee from which it was reported.

Mr. OWLETT. Mr. President, I object, and ask the Senate to vote the motion down.

The PRESIDENT. Has the motion been seconded?

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I would like to know why it should go over in its order? If there is any just reason for it I assure you I will not object to its going over in order.

I think it is a good bill and it should pass.

Mr. OWLETT. Mr. President, there is no objection to its going over in its order.

Mr. CAVALCANTE. Mr. President, I object, as I say, unless there is a good reason why it should go over in order. This bill has been on the calendar, as you will see, for months.

Mr. OWLETT. Mr. President, I was about to make a motion that this bill be again placed on the postponed calendar. The reason for that motion is the fact that we are working on some amendments to the bill; and if the Senator from Fayette, Mr. Cavalcante, will withdraw his motion that it be recommitted, and agree that it be placed again on the postponed calendar, I will assure him that, in due time, amendments will be prepared and presented to the Senate for action.

Mr. CAVALCANTE. Mr. President, I would rather that it go over in order, if the Senator from Tioga is to amend it.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, withdraw his motion to recommit?

MOTION TO RECOMMIT WITHDRAWN

Mr. CAVALCANTE. Mr. President, I withdraw my motion.

Mr. REED. Mr. President, I withdraw my seconding of that motion.

BILL OVER IN ORDER

The PRESIDENT. The motion to recommit having been withdrawn, the request for unanimous consent that this bill go over in its order is before the Senate.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS POSTPONED

Mr. EALY. Mr. President, I move that further consideration of Senate Bill No. 393, (House Bill No. 298), on third reading entitled:

An act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporation towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing law's by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full.

be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. EALY. Mr. President, I move that further consideration of Senate Bill No. 439, (House Bill No. 300), on third reading, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 442, (House Bill No. 470), entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties

of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties, and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly, and changing time for filing removal notice within same district.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson.
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS POSTPONED

Mr. EALY. Mr. President, I move that further consideration of Senate Bill No. 520, (House Bill No. 299), on third reading, entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and cosolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, since I am very much interested in Senate Bill 267 which has just gone over in its order, and I may not be here tomorrow or when it comes up this week for action,

Mr. President, I move that further consideration of Senate Bill No. 267 (House Bill No. 449), on third reading, over in order, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending procedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No 623, (House Bill No. 553), entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough, town or township in the same county; and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro.
Chapman,	Gelder	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 625, (House Bill No. 680), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 626, (House Bill No. 710), entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	Mallery,	Scarlett,
Cavalcante,	Farrell,	McCreesh,	Sipe,
Chapman,	Gelder,	McGinnis,	Snowden,
Coleman,	Geltz,	Miller,	Stevenson,
Crowe,	Haluska,	Owlett,	Tallman,
Dando,	Heyburn,	Pierson,	Thomas,
Deitrick,	Homsher,	Reed,	Walker,
Dent,	James,	Rice,	Wolfenden,
DiSilvestro,	Kilgallen,	Ruth,	Woodward,
Ealy,	Letzler,		

NAYS—3

Eroe,	Kunkel,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 850, entitled:

An Act to repeal the act approved the third day of April one thousand eight hundred and sixty-eight (P. L. 639) entitled "An act relative to the compensation of the treasurer of Centre county the safe keeping of the county funds et cetera."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Eroe,	Letzler,	Scarlett,
Chapman,	Farrell,	Mallery,	Shapiro,
Coleman,	Gelder,	McCreesh,	Sipe,
Crowe,	Geltz,	McGinnis,	Snowden,
Dando,	Haluska,	Miller,	Stevenson,
Deitrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 859, on third reading, entitled:

An Act to amend section three hundred and seven of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and state-

ments, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the court from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," removing the requirements that the Governor approve rules, regulations and orders issued by the commission.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 881, (House Bill No. 780), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 881 (HOUSE No. 780)

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye"

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections, from two to one inclusive of the bill were severally reconsidered.

The first section of the bill was read as follows:

Section 1 The Secretary of Forests and Waters with the approval of the Governor is hereby authorized to acquire in the name of the Commonwealth by gift grant or other lawful means the right title and interest of the owners in and to all property constituting the entire system of any canal or canals located wholly within this Commonwealth whose use as highways for transportation by water has ceased or been abandoned or shall cease or become abandoned together with such real estate adjacent to such canal as the Secretary of Forests and Waters may deem desirable Provided however That no consideration shall be paid to the owner or owners of such property for the whole or any parts thereof for any grants that may be made under the provisions of this act

On the question,

Will the Senate agree to the section?

Mr. JAMES. Mr. President, I move to amend Section 1, page 1, line 5 by striking out after the word "to" and before the word "property" the word "[all]" and inserting in lieu thereof, the words "any part of the;" amend Section 1, page 1, line 5 by inserting after the word "property" and before the word "constituting" the word "formerly;" amend Section 1, page 1, line 5 by striking out at the end of the line after the word "the" the word "[entire];" amend Section 1, page 1, line 9 by striking out after the word "with" and before the word "real" the word "[such]" and inserting in lieu thereof, the word "any;" amend Section 1, page 1, line 10, by inserting after the word "canal" and before the word "as" the words "or canals;" amend Section 1, page 1, line 10 by striking out after the word "canal" and before the word "the" the word "[as]" and inserting in lieu thereof the following "formerly used in connection therewith which;" amend Section 1, page 2, line 1, by striking out after the word "the" and before the word "owners" the words "[owner or];" amend Section 1, page 2, line 2 by striking out at the beginning of the line before the word "for" the words "[for the whole or any parts thereof]"

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 The Secretary of Forests and Waters shall supervise maintain improve regulate police and preserve all such property so acquired as and for state park purposes

On the question,

Will the Senate agree to the section?

Mr. JAMES. Mr. President, I move to amend Section 2, page 2, line 6 by striking out at the end of the line after the word "preserve" the word "[all]" and inserting in lieu thereof the word "any"

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, did I understand that the gentleman from Bucks, Mr. James, offered amendments to Senate Bill No. 881.

The PRESIDENT. That is correct.

Mr. SHAPIRO. I think, Mr. President, the gentleman

was in error and that he intended these amendments to apply to Senate Bill 882. Senate Bill 881 gives to the Department of Forrestry and Water the right to take over the canals which were intended to be taken over by Senate Bill No. 882. The amendments apply to No. 882, which gives to the Commonwealth the right to accept as a gift the canals formerly owned by some company.

Mr. JAMES. Mr. President Senate Bill No. 881 is the bill, I intended to amend.

Mr. SHAPIRO. Mr. President, it is my mistake; the mistake is in the title.

And the question recurring,

Will the Senate agree to the bill on second reading as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. JAMES. Mr. President, I ask unanimous consent that Senate Bill No. 882, (House Bill No. 781), on third reading, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Park Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 969, (House Bill No. 1036), entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I ask unanimous consent to offer certain amendments which have been agreed to.

Mr. EDMONDS. Mr. President, I am placed in an unfortunate position in this matter. For an hour the Senator from Westmoreland, Mr. Dent, and some of the gentlemen from his county who are interested in this bill, were in conference with Mr. Diamond and myself, and the situation developed in which it seemed to us that an amendment should be offered; and an amendment has been prepared and is now offered by Mr. Dent. In the meantime Mr. Diamond has conferred with the Liquor Control Board and they advised him they wish no amendments to the bill; and under the circumstances, and as this is an administrative measure, I ask that the bill go over until tomorrow, without amendment, in the hope we can iron out the difficulty tonight.

Mr. DENT. President, I will agree to this bill going over in order, but I think it is time we accept full responbility for legislation. Apparently we have to deal not only with one department now, but we have to deal with two departments. Let it go over in order.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, withdraw his amendments for the time being.

MOTION THAT AMENDMENTS LIE ON THE TABLE

Mr. DENT. Mr. President, I do not think it is necessary to withdraw the amedments; I move that the amendments lie on the table.

I think I can understand the final outcome, and there is no use fooling around. Pass the bill without the amendments and it suits me perfectly; I do not care. We worked for four hours on these amendments, and they agreed five times to five sets of amendments. They handed me the amendments and said they were agreed to and then they call aside the Senator from Montgomery and tell him they do not want them.

Mr. EDMONDS. Mr. President, may I speak on the general subject, although I recognize strictly speaking it is not in order?

The PRESIDENT. The Senator from Montgomery may proceed.

Mr. EDMONDS. Mr. President, the difficulty arises out of the fact this is a security which can not be controlled by the Security Exchange Commission, and the object of this act is to have it controlled by the Liquor Control Board.

The Securities Exchange Commission has, as the Senator from Westmoreland said, conferred for an hour with him and with a representative of the other interests—and the commission felt there was some relief that should be given, but the Liquor Control Board has primarily no authority in this case. Where there is a conflict of authority between two jurisdictions, and where there is an objection in which there is essential justice—and I confess with the Senator from Westmoreland there is essential justice in his proposition—I think probably the matter should be further considered.

I do not think anything will be lost in allowing the bill to go over in its order that we may have the calm thought of the night in order to study the matter and reconcile the various interests.

Mr. SHAPIRO. Mr. President, the purpose of this bill in my opinion, is a very laudable one; but I am afraid the purpose will be lost in bad legislation.

I venture to suggest there ought to be considered at the same time whether the Liquor Control Board has the right to control or regulate the issuance or dealing in certificates over which they have no control. They are authorized, under the act, to control the sale of liquor and to issue licenses for the sale of liquor; and it seems to me the way this subject is being handled that is going to be lost. There are hundreds and thousands of people who have been sold these false certificates at which this bill is aimed, and I think control should be put some place where the objective will be gained. That is what we should consider here, whether the Liquor Control Board has the right.

Mr. EDMONDS. Mr. President, I should be very glad to take that matter up at the same time. This is an attempt to stop this vicious traffic in liquor certificates which is

found in every corner of the state at the present time.

If the language is so couched that it excludes a reputable business house from dealing in liquor certificates, we do not want it that way. That is the objection Mr. Dent makes. If the language is so loose it does not give the Liquor Control Board the authority we want it to have, as suggested by the gentleman from Philadelphia, Mr. Shapiro, then again we ought to correct it; and it seems to me it is best from all points of view in order to get laudable legislation, that we have a little more time.

Mr. DENT. Mr. President, I want to say to the gentleman from Montgomery, Mr. Edmonds, that this amendment was drawn up by the Liquor Control Board, and contains this provision: "Authorized to engage in the business of licensing distillers, rectifiers and brokers"—it meets every objection they offered.

I say to you the position being taken on the entire bill is not one of protection of the public. We all agreed that this is interference with the lending of money. I do not believe the bill ought to go over; I think we should kill the bill or pass it as it is, if you do not want the amendments.

Mr. EDMONDS. Mr. President, I said to the gentleman from Westmoreland a little while ago I thought sometimes his manner is a little more explosive than his heart. My feeling is that this thing can be ironed out, and ironed out honestly; but I think it is going to take a little more time. We have consulted with the Securities Commission, but we have not been able to bring the Liquor Control Board into consultation; and I therefore ask that the bill go over in its order.

Mr. DENT. Mr. President, I will agree that the bill go over if it is not called up when I am not present.

Mr. OWLETT. Mr. President, if that is the understanding, I move that we proceed with consideration of the bill

Mr. DENT. Mr. President, that is all right.

Mr. SHAPIRO. Mr President, this is not a question of whether Mr. Dent should be satisfied, punished or affected in any way. Mr. Dent is not alone interested in this bill. This is a piece of legislation that is intended to protect a great many people from a great deal of harm and I think this should not be made a personal matter. Let us get this thing right. I have no interest in the bill. People have telegraphed trying to convince me I should be interested in seeing that the bill is passed. I should like to see this protection afforded, but the bill should be effective when it is passed. This is a House bill, and we ought not to do anything to endanger its passage. If we are going to pass it, let us pass it properly, so we will have a good piece of legislation. I am sure the gentleman from Montgomery, Mr. Edmonds, feels the same way about it. I think the Senator from Westmoreland may be assured the bill will not be passed in such a hurry that he will not be able to be here.

MOTION TO PUT BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask that Senate Bill 969 go over in its order, for the reasons I have just stated.

Mr. CAVALCANTE. Mr. President, I am sorry that I must object to the bill going over in its order. This bill is either good the way it is or it ought to be amended and I am interested in this phase of the question. I think every member of this Senate is entitled to know from the gentleman from Montgomery who of the Liquor Control Board are interested in this bill. I think I understood the gentleman right, when he spoke, that the Liquor Control Board had by some means conveyed to him word that the amendments were not satisfactory.

I think the gentleman from Montgomery owes it to us to tell us who they were, because we ought to know, and I have a very particular reason. You need not shake your head] You attend to your own business, Mr. Shapiro.

I have a very particular reason why we ought to know this, because for two days the gentleman from Washington and myself have unfortunately had necessity to go to the Liquor Control Board to attend to matters which pertained to our constituents at home, and when we got there we found they were absent—they are either up at the Governor's chambers discussing legislation or like today—we were down there today and they were some place else, up at the Capitol, discussing legislation.

We are entitled to know whether this Liquor Control Board is set up for the purpose of attending to their business as commissioners of the Liquor Control Board or whether they are unofficial members of this General Assembly and exercise the power to veto or approve legislation that is introduced.

Notwithstanding the fact the gentleman from Philadelphia, Mr. Shapiro, shakes his head "No, we are not entitled to know," I say that in conscience, in fairness, in integrity and honesty we are entitled to know who on that Liquor Control Board are so interested in this bill as to surreptitiously and subtly bring pressure and their influence to bear upon the passage of legislation in this General Assembly.

Mr. EDMONDS. Mr. President, may I say the history of this story is as follows, and in that I will answer the gentleman from Fayette. Last year the Securities Commission asked the attorney general for an opinion as to whether or not they had the supervision of the sale of liquor certificates and, I think, in May of 1938 the attorney general gave them an opinion that liquor certificates were not securities under the terms of the Securities Exchange Act, and therefore they had no supervision on the subject at that time, but since they have received numerous complaints they have advised that if these certificates were securities they would have been glad to have investigated and prosecuted. They turned their information over to the Liquor Control Board and then there was a conference, which I did not attend, between the two boards, at which it was decided the Liquor Control Board could do this work more effectively than the Securities Commission.

Then the Securities Exchange Commission helped them draft this act.

My dealings have been with Mr. Baker, chairman of the Securities Commission and Mr. Diamond, counsel for the Securities Commission, and I want to commend them both as public servants who have had a fine attitude towards their public work. My information that the amendment does not meet with the approval of the Liquor Control Board comes from Mr. Diamond. Mr. Diamond is counsel for the Securities Exchange Commission. I have had no dealings with the Liquor Control Board myself and consequently I cannot tell the gentleman from Fayette, Mr. Cavalcante, where the gentlemen may be.

I think this is an important and a real subject and it should be dealt with in a broad way. We are proposing a new thing, to give the Liquor Control Board authority

to supervise the sale of these certificates. It ought to be done to stop the frauds which many members of the Senate know are going on at the present time. I would not like to see this Senate pass hurriedly a bill that might not accomplish the purpose in mind or which might interfere with legitimate business and that is the reason why I ask that the bill go over in its order.

Mr. SHAPIRO. Mr. President, for the benefit of the rest of the members of the Senate only, and not by way of engaging in controversy, during the talk of the gentleman from Fayette I conferred with Mr. Diamond, whom I know very well, to get his reaction on the question which I raised, and my nod of my head was in connection with my conversation with Mr. Diamond, instead of being in connection with anything the gentleman from Fayette, Mr. Cavalcante, was saying; as a matter of fact I was not paying attention to what he was saying.

Mr. CAVALCANTE. I would like to make a very unusual request at this time. The gentleman from Washington, Mr. Reed, is interested in this bill and wishes to make some inquiry of the gentleman from Montgomery but he is now answering the telephone.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, what is now before the Senate?

The PRESIDENT. The final passage Bill No. 969.

MOTION TO POSTPONE SENATE BILL 969

Mr. OWLETT. Mr. President, I suggest that this bill be placed on the postponed calendar.

Mr. CAVALCANTE. Mr. President, I ask for a roll call.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, may I say something?

The PRESIDENT. Certainly.

Mr. DENT. Mr. President, today is Wednesday, and I understand we are leaving here Friday in order to visit the World's Fair, and some of the members are going home. Also, plans are already made to adjourn this present session of the Legislature sine die next week on Friday.

If we let this bill go over in its order until tomorrow, and then let it go to the printer for printing, and then come in here Monday and there is any objection in the House you do not give opportunity for proper consideration.

I am willing to stand on the merits of the amendment that I have offered and I am willing to take the judgment of this Senate as to the merits or demerits of the amendments I have offered. The Senate may, after hearing the amendments, adopt them or vote them down, as it desires.

I am anxious to regulate the sale of whiskey certificates in Pennsylvania and I would like to see a bill passed today or tomorrow, and so let us take the bill up, read the amendments, and if the amendments are not justified let us defeat them and pass the bill. I only ask for the good judgment of the members of the Senate, without outside influence for once, upon a piece of legislation.

Mr. OWLETT. Mr. President, there is a motion before the Senate.

The PRESIDENT. The question is as to placing Senate Bill No. 969 on the postponed calendar.

Mr. DENT. Mr. President, I ask that the motion be defeated and I shall vote "no."

And the question recurring,

Will the Senate agree to the motion.

The yeas and nays were required by Mr. DENT and Mr. SHAPIRO, and were as follows, viz:

YEAS—28

Bartlett,	Eroe,	Letzler,	Snowden,
Chapman,	Farrell,	Mallery,	Stevenson,
Crowe,	Gelder,	Miller,	Tallman,
Dando,	Geltz,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,	Shapiro,	Woodward,

NAYS—11

Cavalcante,	Haluska,	McGinnis,	Ruth,
Coleman,	Kilgallen,	Reed,	Sipe,
Dent,	Kunkel,	Rice,	

So the question was determined in the affirmative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 982, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," authorizing the board to issue permits for certain nets; making it unlawful to make, sell or possess certain nets; and providing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Edmonds,	Mallery,	Scarlett,
Chapman,	Eroe,	McCreesh,	Shapiro,
Coleman,	Farrell,	McGinnis,	Snowden,
Crowe,	Gelder,	Miller,	Stevenson,
Dando,	Geltz,	Owlett,	Tallman,
Deitrick,	Haluska,	Pierson,	Thomas,
Dent,	Heyburn,	Rice,	Wolfenden,
DiSilvestro,	Kilgallen,	Ruth,	Woodward,
Ealy,	Letzler,		

NAYS—7

Cavalcante,	James,	Reed,	Walker,
Homsher,	Kunkel,	Sipe,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 995, entitled:

An Act requiring newspapers published in this Commonwealth to print on the editorial page the names of the owners proprietors or publishers and the managing editors of the same and providing a penalty.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. DiSILVESTRO, Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	McGinnis,	Sipe,
Chapman,	Geltz,	Miller,	Snowden,
Coleman,	Heyburn,	Owlett,	Stevenson,
Crowe,	Homsher,	Pierson,	Tallman,
Dando,	James,	Rice,	Thomas,
Deitrick,	Letzler,	Ruth,	Walker,
Ealy,	Mallery,	Scarlett,	Wolfenden,
Edmonds,	McCreesh,	Shapiro,	Woodward,
Eroe,			

NAYS—5

Cavalcante,	Kilgallen,	Kunkel,	Reed,
Haluska,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered. That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1011, entitled:

An Act to further amend section nineteen of the act approved the seventeenth day of July one thousand nine hundred and thirty-five (P. L. 1092) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" by imposing upon certain fraternal benefit societies the expenses incurred by the Insurance Department in making examinations of such societies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Edmonds,	James,	Snowden,
Chapman,	Eroe,	Letzler,	Stevenson,
Coleman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Wolfenden,
Deitrick,	Heyburn,	Pierson,	Woodward,
Ealy,	Homsher,	Scarlett,	

NAYS—14

Cavalcante,	Kilgallen,	Reed,	Shapiro,
Dent,	Kunkel,	Rice,	Sipe,
DiSilvestro,	McCreesh,	Ruth,	Walker,
Haluska,	McGinnis,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. SHAPIRO, on behalf of my colleague, the Senator from Luzerne, Dr. Mundy, who wants to offer some amendments to this bill, Mr. President, I ask unanimous consent that Senate Bill No. 1019, (House Bill No. 1203), on third reading, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others.

go over in its order.

The PRESIDENT. Is there objection?

Mr. EALY. Mr. President, I have no objection to the bill going over in its order but I would like to know what the proposed amendments are.

Mr. SHAPIRO. Mr. President, this concerns the grand jury investigation. I cannot tell you what the amendments are but the gentleman from Luzerne, Dr. Mundy, asked me to do that for him.

Mr. EALY. Very well, Mr. President.

On the question,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1020, (House Bill No. 1203), entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. SHAPIRO. Mr. President, this bill and the next bill transfer a total of $2,000,000 from two funds, one from the State School Fund and the other from the Flood Control Fund. That means $45,000,000 has been transferred so far for carrying on relief until May 31st. Does that mean there is assurance that will continue on until May 31?

Mr. EALY. I have no assurance, Mr. President, but I certainly think this amount will carry the week and a half to the end of May.

Mr. SHAPIRO. Mr. President, it is fourteen days.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1021, (House Bill No. 1425), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1022, (House Bill No. 1426), entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 790, on third reading postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 790, entitled:

An Act to further amend the title and sections one and three of act, approved the tenth day of April, one thousand nine hundred thirty-one (P. L. 23), entitled, as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by placing the memorial under the supervision and control of the Pennsylvania Historical Commission.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	Miller,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Mr. HEYBURN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 797, on third reading, postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 797, entitled:

An Act to further amend the title and section one of, and to add section three to, the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, P. 32), entitled as amended, "An act authorizing the Department of Forests and Waters to acquire, repair, restore, and maintain the birthplace of John Morton, in the Borough of Prospect Park, and making an appropriation," by transferring the control, management, supervision, restoration, and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HEYBURN. Mr. President, I ask unanimous consent to amend Section 1, Page 2, Line 23, by inserting after the word "restoration" the following: "to the extent of present commitments"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 801, on third reading, postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 801, entitled:

An Act to further amend the title and sections three and four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1367), entitled as amended "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof by the Department of Forests and Waters; authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission; removing the Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission, appointed by the Governor, from the Board of Trustees of the endowment fund and adding to said board the members of the Pennsylvania Historical Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 628 (House Bill No. 851) on third reading, postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 628, (House Bill No. 851), on third reading, entitled:

An Act to amend clause (c) of section twenty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 924,

(House Bill No. 1285), on third reading postponed for the present.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 924, (House Bill No. 1285), entitled:

An Act to amend section two thousand four hundred thirteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions, shall be determined," assigning certain rooms in the State Capitol to the General Assembly.

And said bill having been read at length the third time, on the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend page 3, by inserting between lines 25 and 26 the following:

S To the Senate of Pennsylvania the following space in the Main Capitol Building:

On the first floor in the north wing all office space east of the central corridor between the rotunda and the elevators serving the north wing.

On the entresol floor in the north wing all office floor space north of the rotunda and in the central wing all office space on the north side of the wing east of the rotunda.

On the second floor in the north wing all office floor space north of the rotunda except that office space in the northwest wing embracing a floor area of approximately sixty-two feet north and south and fifty feet east and west, and in the central wing all office floor space on the north side of the wing east of the rotunda.

On the third floor in the central wing all office floor space in the wing west of the rotunda.

On the fourth floor in the central wing all office space in the wing west of the rotunda.

In the basement in the north wing all office and storage floor space east of the corridor between the rotunda and the elevator serving the north wing.

Amend Sec. 1 (Sec. 2413), page 5, line 2, by striking out the heavy-face brackets S all of said line.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 840, (House Bill No. 1288), on third reading postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I ask the indulgence of the Senate for a moment in connection with this bill. I have a letter from Judge Smith, who is chairman of the Housing Committee in Philadelphia, and he objects to this bill because he says it increases the cost of the Housing Authority. I can see no point in first exempting housing bonds from taxation and then imposing costs on them.

Judge Smith says "In my opinion the Housing Authority in Philadelphia can do a splendid piece of work in rebuilding congested sections, establishing a number of low cost housing units and putting many Philadelphians back to work. Anything that should occur to hamper this program would be most disastrous."

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 840, (House Bill No. 1288), on third reading, entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

be recommitted to the Committee on State Government for the purpose of further study.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 49, as follows:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

The general Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the average assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of any county other than Philadelphia shall never exceed ten (10) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of the City and County of Philadelphia shall never exceed twelve (12) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any dbt is incurred or increased nor shall any county cit yborough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the nine immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said City and County as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provisions for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said City and County or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said City and County such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said City and County shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 131, as follows:

An Act authorizing the Department of Property and Supplies to acquire by purchase gift lease or condemnation on behalf of the Commonwealth of Pennsylvania forty acres of land adjacent to "Pennsbury Memorial" or so much thereof as may be necessary to properly honor the founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life providing for the control management supervision improvement preservation and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of further perpetuating and preserving "Pennsbury Memorial" in Falls Township Bucks County Pennsylvania where William Penn proprietary of the Province of Pennsylvania had his home and upon which the Commonwealth has already restored the original manor house and outbuildings necessary for the administration of Provincial Government by William Penn the Department of Property and Supplies with the advice of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase gift lease or condemnation tracts of land adjoining the present "Pennsbury Memorial" property of the Commonwealth and especially the land comprising approximately forty acres upon which the original Penn farm stood and to specifically improve plant protect the water frontage on the Delaware River so it can be used as a recreational spot by the people of the Commonwealth

Section 2 The sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the acquisition of lands adjacent to the present "Pennsbury Memorial" the improvement restoration preservation and maintenance of said "Pennsbury Memorial" and the acquired lands and the expenses incurred in carrying out the provisions of this act Payment from said appropriation shall be made by requisition of the Secretary of the Department of Property and Supplies in the manner provided by law

Section 3 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 315, as follows:

An Act affecting cities of the third class authorizing the annexation of boroughs thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of election and officers of boroughs and cities of the third class and providing for the payment of the indebtedness of the various territorial units involved

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any borough may become annexed to a city of the third class within the same county under the circumstances hereinafter set forth and in the following manner namely

There shall be presented to the court of quarter ses-

sions of the county a petition signed by qualified voters of the borough proposed to be annexed equal in number to at least ten per centum of the highest number of votes cast for any office at the last preceding general election in such borough Such petition shall set forth the desire of the petitioners for the annexation of such borough to such city of the third class and shall request the court to direct that a vote be had upon the question as hereinafter provided Such petition shall be subscribed by the petitioners within three months immediately preceding the presentation thereof to the court and shall be verified by affidavit of one or more of the petitioners

Section 2 The petition shall be filed and thereupon the court shall direct notice to be given by legal advertisement published in all newspapers of general circulation that are both printed and published either in such city of the third class or in the borough proposed to be annexed thereto The court shall fix and the advertisement shall set forth a date which shall be not less than one month and not more than six weeks after the filing of such petition when the court will hear the same and all exceptions that may be filed thereto Said notice shall set forth the substance of said petition but without publishing at length the names of the signers thereto and shall be published once a week for three consecutive weeks commencing within one week after the filing of such petition Any resident taxpayer of the borough proposed to be annexed or of the city of the third class to be affected may file exceptions to such petition on the ground that such petition does not contain the number of bona fide signatures of qualified voters required or in other respects fails to conform with the provisions of this act

Section 3 At the time fixed the court shall examine said petition and if any exceptions are filed thereto a hearing shall be held thereon If the petition be found to be defective it shall be dismissed but without prejudice to the filing of other petitions at any time for the same purpose If the petition be found to be in proper form the court shall as soon as practicable thereafter make an order directing the county board of elections to include in the next municipal or general election to be held not less than sixty days thereafter as a question to be voted upon by the qualified voters both of the borough proposed to be annexed and of the city of the third class affected thereby "Shall the borough of

be annexed to the city of ?"

or substantially similar wording This question shall be followed on the voting machine labels or ballot labels by the words "yes" and "no" with appropriate squares or markings to permit the said voters to vote conveniently upon said question The voting upon such question and the computation and return thereof shall be in accordance with existing law as to votes taken upon other questions submitted to the electorate

Section 4 If it appears by the vote when counted that a majority in the borough to be annexed has voted for annexation and that a majority in the city affected thereby has likewise voted for annexation then the borough shall on the first Monday of January next following be and become a part of such city

Section 5 If the vote in either such borough or in such city is unfavorable the question of such annexation shall not again be voted upon for a period of five years from the date of such election

Section 6 Upon annexation all the indebtedness of the borough annexed to a city of the third class under the provisions of this act as well as the indebtedness of the city to which the same is annexed shall be paid by the city as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city

All of the public property owned by any such borough shall become and remain the public property of the city to which it is annexed

Section 7 Upon annexation until changed in the manner provided by law the borough if not divided into wards shall constitute a separate new ward of the enlarged city and if the borough at the time of the annexation was divided into wards then each ward of the borough shall constitute a separate new ward of the enlarged city and shall be numbered by the council of the city consecutively beginning with the next highest number after the existing highest numbered ward of the city Until changed in the manner provided by law all election districts in the borough shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 8 Upon annexation all salaried public officials of the territory annexed who have theretofore been elected for a definite term shall continue to receive during the term for which they were elected the same salaries as they would have received except for such annexation and it shall be the duty of the mayor of such city to assign to such public officials the performance of such suitable services and duties as will be in the public interest of the city and particularly of the annexed portion thereof In case of non-elective employes of such annexed borough they shall so far as practicable be employed at corresponding duties by the city in accordance with rules and regulations to be established by city ordinance Tax collectors holding office at the date of annexation shall continue to perform the duties and receive the emoluments of office for the full term for which they were elected but upon the expiration of such term the office shall be abolished within such territory and the duties thereof shall be merged with that of the collector of taxes of such city of the third class

Section 9 Nothing herein contained shall be construed to affect the common school laws applicable to the territorial limits of the municipalities involved nor shall such annexation bring about any merger or consolidation of school districts nor change in any way the rights liabilities or territorial limits thereof

Section 10 The provisions of this act are in addition to and shall not be construed to repeal or affect any of the provisions of article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

Section 11 Except as above provided all acts or parts of acts inconsistent herewith are hereby repealed

Section 12 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 482, as follows:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the average assessed value of the taxable realty therein for the ten years immediately preceding the time any debt

is incurred or increased and the debt of any county other than Philadelphia shall never exceed seven (7) per centum upon the average annual assessed value of the taxable realty therein for the ten years immediately preceding the time any debt is incurred or increased and the debt of the City and County of Philadelphia shall never exceed ten (10) per centum upon the average annual assessed value of the taxable realty therein for the ten years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the ten immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said City and County as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provisions for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said City and County or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said City and County such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said City and County shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however That any city county borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 523, (House Bill No. 664), on third reading, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 525, (House Bill No. 742), entitled:

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 545, as follows:

An Act to amend sections one and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" extending the provisions of said act to include private nursing homes and private hospitals operated on a nonprofit basis

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after the effective date of this act it shall be unlawful for any person copartnership association or corporation to operate within this Commonwealth a private nursing home or private hospital for persons requiring care treatment or nursing by reason of sickness injury infirmity or other disability without a license as hereinafter required but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare under other statutes

Section 2 Every person copartnership association or corporation desiring to operate such a private nursing home or private hospital shall file an application for a license with the Department of Welfare The application shall be on a form prescribed prepared and furnished by the Department of Welfare and together with such other information as the department shall require shall state

(a) The name and address of the applicant and the

person to be in charge of said home or hospital If the applicant is a copartnership association or corporation the application shall state the names and addresses of all the partners and officers as the case may be

(b) The location of the private nursing home or hospital and if the applicant is a corporation association or partnership the state of incorporation or organization

(c) The facilities of the private nursing home or hospital for the care treatment or nursing of patients or inmates including sanitary and fire protection facilities

Section 7 Any person or any or all officers or partners of any partnership association or corporation maintaining or operating within this Commonwealth a private nursing home or private hospital without a license required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding one year or both

And said bill as amended having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 567, (House Bill No. 605), entitled:

An Act to amend sections 904 905 1006 1125 1202L111 1309 1314 and 2460 of the act approved the fourth day of May, one thousand nine hundred twenty seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 616, as follows:

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefore providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" is hereby further amended to read as follows

Section 11 The Secretary of Highways upon acquiring any such toll bridge is hereby directed to continue the collection of tolls and charges on such bridge or bridges or reconstructed bridges except as hereinafter provided until the Commonwealth has been reimbursed to the full extent of the original cost of acquiring any and all of such bridges or as many thereof as may be acquired by the Secretary of Highways within his discretion and in any event as may be acquired at a cost not exceeding in the aggregate the authorized sum of ten million dollars together with such interest thereon as shall have been expended by the Commonwealth and the cost of compensation of toll collectors All tolls and charges collected by the Secretary of Highways shall be paid into the Motor License Fund The Department of Highways shall reconstruct maintain and repair such bridges in the manner provided by law relating to State highways and bridges In case of the reconstruction of any such bridge the Secretary of Highways with the approval of the Governor may reconstruct such bridge on the same location or on a location within one mile thereof

Whenever the tolls collected from such bridges as may be so acquired after deduction of all moneys expended by the department for the cost of compensation of toll collectors shall have become sufficient to reimburse the Commonwealth in full for the cost of acquiring all of such bridges as may have been so acquired with interest thereon as aforesaid then all of such bridges so acquired shall become and be thereafter free bridges Such bridges shall thereafter remain in the charge and be under the control of the Department of Highways and shall be thereafter maintained and kept in repair and be rebuilt by the Commonwealth in accordance with the laws relating to State highways and bridges and the State shall take over and succeed to all agreements made with any public service company for the use by the public service company of such bridges The cost of such reconstruction maintenance and repair of said bridges after the same have been freed shall be paid out of moneys appropriated to the Department of Highways for the construction reconstruction and improvement of State highways

The Secretary of Highways is hereby authorized to adjust readjust and fix from time to time the amount of tolls and charges on such bridge or bridges as may be acquired under the provisions of this act for the purpose of causing each such bridge so acquired to bear as nearly as conditions and traffic will permit its proportionate share of the aggregate annual revenues to be received by the Commonwealth from toll bridges so acquired based on the cost thereof Provided however That whenever any toll bridge is acquired by the Secretary of Highways at a cost of less than thirty thousand dollars the said Secretary of Highways shall immediately discontinue the collection of tolls and charges on such bridge and such bridge shall be a free bridge The cost of maintenance and repair of said bridge after the same has been acquired by the Department of Highways shall be paid out of moneys appropriated to the Department of Highways for the construction reconstruction and improvement of State Highways

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 630, (House Bill No. 929), entitled:

An Act to amend section four hundred thirteen section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Common-

wealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 643, as follows:

An Act to amend section one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1182) entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation" as amended requiring the agents of the Department of Justice or the Pennsylvania Motor Police to return parole violators after their apprehension the expenses incurred by such agents to be borne by the penitentiary

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1182) entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws 111) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever it shall appear to the State Board of Pardons that a person who has been sentenced under the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-two) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" and its amendments and released on parole by commutation containing a condition that the convict shall be subject to the terms of said act has violated the terms of his or her parole it shall cause a warrant to be issued for the arrest of said person which warrant shall give all field parole agents of the Department of Justice and officers authorized by law to make arrest full authority to apprehend and detain said convict And such officer upon the arrest of said convict shall notify the Board of Pardons who shall notify the Department of Justice or the Pennsylvania Motor Police to send an officer to return him to said penitentiary All the nesessary expenses incurred by such officer in returning such convict to the penitentiary shall be borne by the penitentiary to which he is returned which expenses shall be refunded to the Department of Justice or the Pennsylvania Motor Police as the case may be whose officer or agent makes such return The Board of Pardons or its duly authorized representative shall forthwith submit to the trustees of said penitentiary a report of violations of parole of said convict

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Aagreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 648, as follows:

An Act to further amend section one of the act approved the nineteenth day of June one thousand nine hundred eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nineteenth day of June one thousand nine hundred eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by the act approved the seventh day of May one thousand nine hundred twenty-five (Pamphlet Laws 554) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person shall be convicted in any court of this Commonwealth of any crime except murder of the first degree and where the said court believes that the character of the defendant and the circumstances of the case such that he or she is not likely again to engage in an offensive course of conduct and that the public good does not demand or require that the defendant should suffer the penalty imposed by law the said court shall have power to place the defendant on probation for a definite period on such terms and conditions including the payment of money for the use of the county not exceeding however the fine fixed by law for conviction of such offense as it may deem right and proper said terms and conditions to be duly entered of record as a part of the judgment of the court in such case No such condition for the payment of money shall be considered as the imposition of a fine or a sentence nor prevent the court from thereafter sentencing any defendant under the act under which he or she was convicted upon violation of his or her parole

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 658, as follows:

An Act to amend section one thousand one hundred forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by extending the power to accept roads streets lanes and alleys dedicated as public highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand one hundred forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as added by section two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1299) is hereby amended to read as follows

Section 1147 Taking Over of Roads Streets Lanes and Alleys Heretofore Dedicated as Public Highways Whenever plans of dedicated roads streets lanes or alleys located in second class townships have been adopted approved and recorded the board of supervisors of any such township may with the consent of the court of quarter sessions upon petition filed accept any roads street lanes or alleys as public highways if shown in said plans as dedicated to such use and provided the roads or streets shall be not less than thirty-three feet in width and the lanes or alleys not less than fifteen feet in width said acceptance to be evidenced by a resolution of the said board of supervisors properly describing said roads streets lanes or alleys and adopted by a majority thereof by a vote duly recorded and entered upon the minutes of said board Upon the filing with the clerk of court of quarter sessions of the county in which said township shall be situate a certified and attested copy of said resolution with the consent of the court endorsed thereon such roads streets lanes or alleys shall be and become a part of the public highway system of said township and shall be so recorded in said court of quarter sessions

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 699, as follows:

An Act providing for the acquisition of the Admiral Peary Memorial Park by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission imposing certain duties upon the Department of Justice and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas There is located in Cresson Township Cambria County Pennsylvania the birthplace of Admiral Tobert Edwin Peary which should be preserved as a historical place and park for the benefit of the people of this Commonwealth therefore

Section 1 The Department of Property and Supplies is hereby authorized to take over the title from the Historical Society of Cambria County the tract of land at the birthplace of Admiral Robert Edwin Peary which is located and described as follows

All that piece or parcel of land situate in Cresson Township Cambria County Pennsylvania bounded and described as follows

Beginning at a point where the center line of the State Highway Route No. 22 (known as the William Penn Highway) intersects with the Western boundary line of said property and in line of property of Mt. Aloysius Academy thence North by said Western boundary line two (2) degrees eleven (11) minutes East for seven hundred ninety-five and five-tenth (795.5) feet to a point in the center line of the State Highway Route No. 45 leading from Cresson to Loretto thence along said center line of State Highway Route No. 45 South twenty-one (21) degrees fifty-eight (58) minutes East for six hundred forty-three and three-tenths (643.3) feet to a point in the center line of the said State Highway Route No. 45 thence along the center line of said State Highway Route No. 45 by an eight (8) degree curve to the left for three hundred twenty-five (325) feet to a point in the center line of said State Highway Route No. 45 thence South twenty-five (25) degrees thirty-one (31) minutes West a distance of eighty-six and five-tenths (86.5) feet to a point in the center line of State Highway Route No. 22 thence North seventy-three (73) degrees West two hundred fifty-eight and three-tenths (258.3) feet to a point in the center line of said State Highway Route No. 22 and thence by the center line of State Highway Route No. 22 North sixty-five (65) degrees twenty-four (24) minutes West one hundred eighty-one and one-tenth (181.1) feet to the place of beginning containing four and twelve one-hundredths (4.12) acres more or less

Section 2 The said grant is to be made subject to the following covenants and conditions

1 That the property hereby conveyed shall never be used for any other purpose than for a park surrounding the proposed monument to be erected as a memorial to Admiral Peary

2 That the grantee shall take all proper measures to prevent the use of the park for camping ground or other objectionable purposes or for any other purpose than for use as a park

3 That no building other than the proposed monument of Admiral Peary in such form as may be approved by the Art Commission of the Commonwealth of Pennsylvania shall be erected upon the premises hereby granted and conveyed

4 That the Commonwealth shall at its own expense and at all times maintain and provide for the upkeep of the said park and all improvements intended to be made thereon

5 That the property hereby conveyed shall be maintained as a wooded area and planted with trees as an ornamental background to the Peary memorial

6 That no driveway shall be laid out over the premises hereby granted and conveyed

Section 3 The Commonwealth for itself its successors and assigns does hereby covenant and agree that in the event of any violation of any of the above mentioned covenants and conditions the title to the said land shall revert to Mary Thaw Thompson of Pittsburgh Pennsylvania her heirs and assigns and that the Commonwealth will thereupon on demand of Mary Thaw Thompson her heirs and assigns execute a deed of special warranty in favor of said Mary Thaw Thompson her heirs and assigns granting and reconveying the said property hereby conveyed to either the said Mary Thaw Thompson or her heirs or assigns with covenant of special warranty

The title to said property before acquisition shall be approved by the Department of Justice

Section 4 Upon the acquisition of the property aforesaid the same shall be transferred to the Pennsylvania Historical Commission which shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the park and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

Section 5 The sum of ten thousand dollars ($10,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of the cost of acquiring said

tract of land and for all expenses in connection therewith including the expense of investigating the title

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 723, as follows:

An Act to further amend sections one and two as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1528) entitled "An act authorizing the Secretary of Highways with the approval of the Governor to establish construct and maintain roads parallel to existing State highways in order to relieve traffic congestion providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby and providing that such highway when constructed shall become a part of the system of State highways of the Commowealth" by extending certain provisions thereof to cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1528) entitled "An act authorizing the Secretary of Highways with the approval of the Governor to establish construct and maintain roads parallel to existing highways in order to relieve traffic congestion providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby and providing that such highways when constructed shall become a part of the system of State highways of the Commonwealth" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1413) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Highways with the approval of the Governor is authorized to take over existing public roads and streets in cities boroughs and townships approximately parallel to State highways between any or all of the points named in the line or route of such State highway and construct and maintain the same according to the standards of the department for the construction and maintenance of State highways Any public road taken over under the provisions of this act as an aproximately parallel highway may intersect with or cross over the highway to which it is approximately parallel

Section 2 Section two of said act as last amended by the act approved the twentieth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 14) is hereby further amended to read as follows

Section 2 The Secretary of Highways with the approval of the Governor and in cities and boroughs with the approval of the councils thereof is hereby authorized in the establishment of such parallel highway as provided in section one hereof to relocate or change the lines and widths thereof or construct and improve such parallel route wholely or in part on a new alignment where such relocation and construction would eliminate dangerous grades or turns or decrease the cost of construction or maintenance

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, in connection with Senate Bill No. 734, I would like to have consent to refer that bill back to committee because I am sure we passed Dr. Chapman's bill dealing with the disposition of bodies unfit for anatomical purposes, and this bill makes another change. Unless I am entirely wrong about it I think what this bill does is to take the care of the burial of those bodies out of the control of the coroner's office and put it under the control of the County Commissioners and it seems to me that it is unnecessary to provide that the coroner should bury one type of body and turn others over to the County Commissioners.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 734, (House Bill No. 635), on second reading, entitled:

An Act to further amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties.

be recommitted to the Committee on Public Health, so that Dr. Chapman may study it further.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 776, (House Bill No. 389), entitled:

An Act to consolidate amend and revise the penal laws of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, I understand that this bill has passed second reading. Is it still on second reading?

The PRESIDENT. It is.

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, I move to recommit Senate Bill No. 778, to the Committee on Public Health. I think the amendment that Dr. Chapman has offered applied to Senate Bill No. 734.

The PRESIDENT. No, this is Senate Bill No. 778, House Bill No. 709.

Mr. SHAPIRO. Mr. President, they should both be back in committee and I suggest we can take care of the amendments in the committee.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 778, (House Bill No. 709), on second reading, entitled:

An Act for the protection of the public health by prohibiting the adulteration misbranding false labeling and false advertising of drugs including cosmetics and of instruments apparatus contrivances accessories and other

devices used in the diagnosis cure mitigation treatment and prevention of disease providing for the detention embargoing seizure and destruction of unlawful drugs cosmetics and devices regulating dealing in new drugs conferring powers and imposing duties on the State Board of Pharmacy and providing penalties

be recommitted to the Committee on Public Health for the purpose of further consideration.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 819, as follows:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore the council of any city of the third class or of any borough or the board of commissioners of any township of the first class of this Commonwealth has authorized by ordinance the grading curbing guttering paving or macadamizing with concrete brick stone or other suitable material of any public street or thoroughfare or portion thereof either cartway footwalk or gutter and has caused such improvement to be made and in such ordinance has authorized the advertising for bids therefor and the assessment of benefits upon the property benefited thereby and subsequent thereto pursuant to an ordinance passed after the passage and approval of the original ordinance providing for the improvement has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor who was the successful bidder with the Commonwealth for the construction of any portion of such streets or highways without any advertising for bids on the part of the city borough or township as proivded for in the original ordinance authorizing such improvement and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvements against the property abutting along the line of improvement in accordance with the provisions of the original ordinance authorizing the said improvement or has by ordinance provided for the assessment against abutting property owners of benefits for such improvement or whenever heretofore the council of any city of the third class or of any borough or the board of commissioners of any township of the first class of this Commonwealth has required by ordinance and caused to be made graded paved curbed or macadamized with brick stone or other suitable material or otherwise improved any property or public street or thoroughfare or part thereof either cartway footwalk or gutter or has covered or enclosed any watercourse or waterway in any street or thoroughfare so as to improve or extend and increase the driveway in any street or thoroughfare or has vacated confined paved or altered the channel of any watercourse or waterway or has caused any sewers whatsoever to be constructed within or without any such city borough or township or has caused ornamental lights to be erected pursuant to any ordinance or has heretofore in accordance with existing law assessed a portion of the cost of such sewer as a sewage tax against property abutting along the line of said improvement on the side of said street alley or highway which is located outside the limits of the said city borough or township the owners of such property being given permission by the said city borough or township to use such sewer and such property not being then provided with sewer facilities and has by ordinance provided for the assessment against abutting property owners of benefits for such improvement but owing to some defect in the petition action of council or of the board of commissioners notice of publication failure to make said improvement in accordance with the strict terms of any ordinance or any other proceeding or action necessary under existing laws and ordinances to give jurisdiction to such council or board of commissioners or because of noncompliance with existing laws as to publication of copies of ordinance and posting of handbills prior to or after the final passage of such ordinance or because of noncompliance with existing laws as to the purchasing of materials and supplies or the awarding of contracts without advertising or because the ordinance itself or the official record book containing the same has been lost mislaid or destroyed or such ordinance has not been transcribed in the official record book or because of irregularity or error in the appointment of viewers to assess benefits against property abutting along the line of improvement or because of the neglect of viewers appointed to assess damages and benefits caused or accruing as a result thereof to file their report within the time required by law for the filing thereof or because of irregularity or error in the method of procedure taken for the ascertainment of the amount of benefits to such property or because of any irregularity or error in the ordinances or passage or approval thereof authorizing the execution of the work the contracting therefor and the assessing of benefits therefor or where the right of the board of viewers to assume jurisdiction and to act in assessing the properties benefited thereby is questioned or because of any irregularity or error in the failure to bring the proceedings for the assessment of benefits for such improvement before the board of viewers within the time provided by law or the failure to assess the benefits therefor in the manner now provided by law or because of any irregularity or error in arriving at or determining the benefits assessed against any such property or because of the failure to give notice as required by law or ordinance or the time for filing a lien or making claim for such improvement has expired or the claim has not been filed after notice to do so or for any other reason the costs of such improvement or portion thereof were not or cannot be legally assessed upon the property bounding or abutting on the line of the improvement or on the street or part thereof improved or owing to some defect in the statement of claim filed to secure the lien or the failure of the city borough or township solicitor to file the lien in the court of common pleas or to sign the name or to have stamped thereon a facsimile signature of the said solicitor or chief executive of the claimant for the costs of such improvement or any error made in the name of the owner or owners of the abutting property along the line of the improvement payment thereof cannot be enforced or if the ordinance of the city borough or township authorizing the construction of any improvement was in fact adopted before such city borough or township was legally empowered to make such assessments on property within or outside the limits of such city borough or township if such improvement was actually constructed and such assessments against property within or without the limits of such city borough or township made subsequent to the time when such city borough or township was legally empowered to levy such assessments as was contemplated by the act or acts of General Assembly under which the improvement was attempted to be made and statement of claim filed now by this act such improvement is made valid and binding and also any statement of claim heretofore filed if any to secure the liens therefor is also made valid and binding and the jurisdiction of any board of viewers hereinbefore mentioned to entertain such proceedings and the assessments made pursuant to such proceedings against property within or without the limits of any such city borough or township shall be valid and binding and the council of such city or borough and the commissioners of such township may cause the property bounding or abutting along the line of the im-

provement or on the street or part thereof upon which the improvement has been made or is now being made to be assessed in the manner now provided by law or by the board of viewers' proceedings in the manner and at the rates now provided by law with such a portion of the costs of such improvement as is contemplated by the law under which the improvement was made or attempted to be made or is now being made and all such benefits and all assessments heretofore made or determined are hereby ratified confirmed and validated and any statement of claims heretofore filed if any to secure the liens therefor are also hereby ratified confirmed and validated Such assessment or other assessment heretofore made or hereafter made in the proceedings now pending within the time limitations specified in this act shall be a lien upon the property assessed and any lien heretofore filed for benefits assessed or for the cost of such improvement or any part thereof although the report of the viewers assessing the same was not filed within the time required by law for the filing thereof is hereby made valid and binding with the same force and effect as though such report was filed within the time required by law for filing the same The lien shall date from the completion of the improvement for which the assessment is made whether the work was completed through one or several operations or contracts or from the date of filing the same and shall remain a lien until fully paid and satisfied Provided That a writ of scire facias is issued to revive the same during every period of five (5) years after the lien is filed as hereafter provided And provided further That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the date of the filing thereof or give the lien thus filed priority over any bona fide lien or liens led entered or recorded or which shall have otherwise attached subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof

Section 2 The council of any city of the third class or of any borough or the board of commissioners of any township of the first class of this Commonwealth entitled to a lien under this act shall file a lien therefor if not heretofore filed in the office of the prothonotary of the county within which the property lies within six (6) months after the completion of the work where the improvement is now in progress or within twelve (12) months after the confirmation absolute of the report of the viewers assessing the benefits for such improvement whether now or hereafter pending or within twelve (12) months after the approval of this act where the improvement is now completed if no lien has been heretofore filed for the same or within twelve (12) months after the passage of any councilmanic ordinance assessing benefits under the provisions of this act where the improvement is already completed and the same shall be entered upon record as other municipal claims Such liens shall state the name of the party claimant which shall be the corporate name of the city borough or township making the improvement name of the owner or reputed owner of the property assessed a reasonable description of the property assessed the amount or sum claimed to be due which shall include interest on the assessment from the completion of the improvement for what improvement the claim is made the date of its completion the date of the assessment for which the lien is filed Such lien when so filed shall be prima facie evidence of all matters therein set forth and of the right of the city borough or township to recover the amount therein claimed to be due together with interest from the date of the lien or completion of the improvement costs and an attorney's commission of five per centum for collecting

Section 3 The claim when so filed shall be proceeded upon for collection by writ of scire facias Provided That this act shall not apply to any proceeding suit or lien wherein a final order or judgment of any court of record has already be made or entered

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 887, (House Bill No. 887), entitled:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act relating the Department of Health and defining its powers and duties approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY, Mr. President, I ask unanimous consent that Senate Bill No. 895, (House Bill No. 1103), on second reading, entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full and making an appropriation out of the Motor License Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 937, (House Bill No. 690), entitled:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (one thousand nine hundred thirty-seven Pamphlet Laws two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination

payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof providing for cooperation with Federal local or private agencies in connection with free public employment offices making further provisions for reciprocal arrangements and compacts with agencies of other states and the Federal Government further defining ineligibility for compensation authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account and treminating certain compensation rights hereunder

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 941, (House Bill No. 1129), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 943, (House Bill No. 1232), entitled:

An Act regulating the appointment promotions suspension reduction and reinstatement of employees (except superintendent of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons in cities of the second class defining the powers and duties of civil service commissions for such purpose in said cities and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 967, (House Bill No. 1022), entitled:

An Act to amend further section five of an act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may in the discretion of the Secretary of Highways construct reconstruct resurface or maintain additional width

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 968, (House Bill No. 1026), entitled:

An Act to provide that, under certain conditions, roads, highways, bridges, and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways, and providing for condemnation of land and payment of damage therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 986, (House Bill No. 545), entitled:

An Act to amend section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedrestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts

making an appropriation and providing for refunds" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 996, as follows:

An Act relating to and providing for the discontinuance and abandonment of the project for the erection construction operation and control of the Maximum Security State Penitentiary authorizing the cancellation and the making or revision of certain contracts and leases between The General State Authority and the Commonwealth to effectuate such discontinuance and abandonment and to pay for damages and losses sustained by The General State Authority and repealing inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The project for the erection construction equipment operation and control of the Maximum Security State Penitentiary authorized and provided for by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand nine hundred forty) is hereby discontinued and abandoned

Section 2 The Department of Property and Supplies with the approval of the Governor in the name of the Commonwealth of Pennsylvania and The General State Authority are hereby authorized and directed to enter into a contract under such terms and conditions as may be mutually agreed upon by such parties for the cancellation of such contract as may exist for the erection construction and equipment of the Maximum Security State Penitentiary and the contract providing for the leasing of such penitentiary including the reconveyance to the Commonwealth of any land heretofore conveyed by it to The General State Authority for the erection and construction of such penitentiary including any improvements thereon

Section 3 The Department of Property and Supplies with the approval of the Governor in the name of the Commonwealth of Pennsylvania and The General State Authority are hereby authorized and directed to execute an agreement or agreements providing for the revision of all other contracts to lease and the leases now existing between the Commonwealth and The General State Authority so that the rentals agreed to be paid under such contracts to lease and under such existing leases shall be increased proportionately so that the total increases of rentals agreed to be paid under such contracts to lease and existing leases shall equal in the aggregate a sum sufficient to liquidate over a period of not more than thirty (30) years the total sum of damages and losses sustained by The General State Authority by reason of the cancellation of the contract for the erection construction and equipment of the Maximum Security State Penitentiary and the contract to lease the same

Section 4 The act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand nine hundred forty) entitled "An act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from the General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State Penitentiaries and conferring powers and imposing duties upon certain State departments boards commissions and officers" is hereby repealed

All other acts or parts thereof inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill, No. 996, is a bill to relieve the administration of finishing the Western State Prison, called the maximum security prison. I have read the bill and I think that the administration has the right to decide whether or not to continue that, but the way this bill is drawn it is very doubtful whether they can carry out the purpose, and if the Senate agrees I think that this bill ought to be referred back to committee so that it may be correced, if required.

Mr. OWLETT. I object to referring the bill back to committee. This is a Senate bill. I think it ought to pass second reading, and if we find it needs amendments, it can go back tomorrow.

Mr. SHAPIRO. Mr. President, I am satisfied; I only wanted to call that fact to the attention of the Senate.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1012, (House Bill No. 41), entitled:

An Act to further amend section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuation of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purpose providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1014, (House Bill No. 382), entitled:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the power and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1015, (House Bill No. 662), entitled:

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1028, as follows:

An Act authorizing the conveyance to the Delaware River Joint Toll Bridge Commission of a certain tract of land in the Borough of Portland County of Northampton Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Attorney General is hereby authorized to convey to the Delaware River Joint Toll Bridge Commission the title of the Commonwealth to all that certain lot or tract of land situate lying and being in the Borough of Portland County of Northampton and the Commonwealth of Pennsylvania bounded and described as follows

Beginning at a point in the center line produced of the bridge over the Delaware River extending from the Borough of Portland Pa to Columbia Warren County N J said point being in the boundary between lands of the said Columbia Delaware Bridge Company and the Delaware Lackawanna & Western Railroad Company and 33.00 feet eastwardly from the center line between the tracks of said Railroad Company measured at right angles thereto thence between lands of the said Columbia Delaware Bridge Company and lands of the Delaware Lackawanna and Western Railroad Company N 42° 26′ W 58.58 feet to corner said corner being distant eastwardly 33.00 feet from the center between the tracks of the Delaware Lackawanna and Western Railroad Company measured at right angles thereto thence between lands of the said Columbia Delaware Bridge Company and lands of Clara E Mackey and Ralph T Barnes N 49° 25′ E 123.20 feet more or less to the low water mark of the Delaware River thence southeasterly along the low water mark of the Delaware River 57.57 feet more or less to the center line of said bridge over the Delaware River thence continuing along low water mark of said Delaware River an additional distance of 41.85 feet more or less to corner making a total distance along the low water mark of said Delaware River of 99.60 feet more or less thence along the line between lands of the Columbia Delaware Bridge Company Ralph T Barnes and Griffith J Davis S 50° 10′ W 113.10 feet more or less to corner in lands of the said Delaware Lackawanna and Western Railroad Company said corner being also distant 33.00 feet from the center line between the tracks of the said Railroad measured at right angles thereto thence between lands of the said Columbia Delaware Bridge Company and said Delaware Lackawanna and Western Railroad Company N 42° 47′ W 39.41 feet to the place of beginning containing twenty-seven one hundredths of an acre (0.270) more or less

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1031, as follows:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the use of the Land Grant College of Pennsylvania engaged by the department for the purpose of advancing research in human nutrition for children so as to continue the work now in progress in certain areas and in order that this research may be extended into other areas The Department of Health shall commission this research to said Land Grant College and remain in an advisory capacity so as to benefit and be directed in its work by such findings as may ensue The moneys so appropriated shall be advanced to the Land Grant College of Pennsylvania at such time or times and in such amount or amounts as the college shall request

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 662,
(PRINTER'S No. 91)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 662, Printer's No. approved and signed Senate Bill No. 662, Printer's No. 91, entitled "An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL 317,
(PRINTER'S No. 142)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 317, Printer's No. 142, entitled "An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' as amended further defining group life insurance to include additional classes of persons."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 138,
(PRINTER'S No. 66)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 138, Printer's No. 66, entitled, "An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof."

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

REPORTS FROM COMMITTEES

Mr. HEYBURN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on Labor and Industry, re-reported as committed, Senate Bill No. 815, entitled:

An Act to further amend clause (a) of section three of the act approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted, by providing for the enforcement of this act by the Commissioner of Labor and Industry and others, by prescribing penalties for violations thereof, by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof," regulating the hours of labor for female employes of non-profit charitable or welfare institutions.

Mr. SIPE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SIPE, from the Committee on Education, reported as committed, Senate Bill No. 863, (House Bill No. 1147), entitled:

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

He also, from the Committee on Education, reported as committed, Senate Bill No. 867, (House Bill No. 1327), entitled:

An Act to amend section one thousand three hundred and one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prohibiting the issuance of certificates to teach to persons not citizens, except in certain cases.

He also, from the Committee on Education, reported as committed, Senate Bill No. 1017, (House Bill No. 724), entitled:

An Act providing for the support and promotion of aviation training through public school districts of the Commonwealth; conferring powers and imposing duties on the Superintendent of Public Instruction and making an appropriation.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Municipal Government, reported as committed, Senate Bill No. 975, entitled:

An Act to amend section one of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 218, 1933-34), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," by enlarging the provisions thereof to include bonds which may hereafter mature and remain unpaid and bonds which have not matured but which the holders thereof have consented to surrender, and increasing the period within which refunding bonds of cities of the first class issued under the provisions of said act may be made to mature.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 42, entitled:

An Act establishing and relating to a judicial council.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 283, (House Bill No. 355), entitled:

An Act to amend clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment hereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeal in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars and reducing the time for petitions in such cases from one year to six months from the date of granting of letters

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 285, (House Bill No. 357), entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators' guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by fixing the rate of interest to be paid on pecuniary legacies and the time from which it shall be paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 287, (House Bill No. 441), entitled:

An Act to further amend clause (c) of section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraise-

ment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the distribution by the orphans' court of certain estates of persons dying intestate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 297, (House Bill No. 359), entitled:

An Act to add clause (f) to section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by empowering the orphans' court in certain cases to extend the time for filing of elections by surviving spouses to take under or against wills of decedents

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 298, (House Bill No. 362), entitled:

An Act to amend clause (d) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgags of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresidents and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" increasing the amount of estates of minors that may be paid without the appointment of a guardian

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 321, entitled:

An Act to amend section four of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts," by providing for the appointment of deputy sheriffs to serve during emergencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 379, (House Bill No. 104), entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 407, entitled:

An Act to amend section five hundred and thirty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by allowing a change of the fiscal year of school districts of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 479, (House Bill No. 182), entitled:

An Act to amend section four hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, by extending the provisions as to headstones, markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 495, entitled:

An Act to amend sections three and four of the act, approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by providing that contracts shall not be required for private wires used for radio broadcasting by certain protective services or in interstate commerce.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 517, entitled:

An Act to amend section six of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases," by making further provision for the levy and assessment of taxes and for reimbursements by the Commonwealth in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 526, (House Bill No. 864), entitled:

An Act to amend clause (b) of section six hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing, and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof, and to levy taxes to pay interest and sinking fund charges on bonds of such districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 600, (House Bill No. 508), entitled:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 629, (House Bill No. 927), entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seventeen) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 659, entitled:

An Act to add section four hundred and twelve to article four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts to enter into agreements with universities and colleges for the conduct of extension education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 660, entitled:

An Act to amend section four of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," as amended, giving school districts power to enter into contract with public institutions of higher learning for the conduct of classes and to compensate such institution therefor, and providing for a partial reimbursement of such moneys from State and Federal funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 665, (House Bill No. 555), entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 738, (House Bill No. 1054), entitled:

An Act providing a method of annexation of parts of townships of the first class, to contiguous cities of the second class, boroughs or other contiguous townships of the first class, and regulating the proceedings pertaining thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 762, (House Bill No. 197), entitled:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army, United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 838, (House Bill No. 979), entitled:

An Act defining the rights, powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of city in cities of the third class, borough, town, township, school district and institution district taxes; providing for the collection of such taxes by suit, distraint and lien and sale of the chattels of taxables and of tenants on the real estate effected and from employers of delinquent taxables, authorizing the appointment of deputies by the tax collectors; defining certain defaults of tax collectors as embezzlements and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 863, (House Bill No. 1147), entitled:

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils teachers janitors or other employees

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 867, (House Bill No. 1327), entitled:

An Act to amend section one thousand three hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prohibiting the issuance of certificates to teach to persons not citizens except in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 878, (House Bill No. 658), entitled:

An Act to add clause forty-six to section one thousand five hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by authorizing appropriations for the support, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 901, (House Bill No. 1130), entitled:

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 906, (House Bill No. 1171), entitled:

An Act to amend Section 1109-1 as added and section one thousand one hundred and eleven of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholder attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 921, (House Bill No. 1260), entitled:

An Act to further amend section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," excluding proceeds of life insurance policies from the provisions thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 922, (House Bill No. 1262), entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" excluding proceeds of life insurance policies from the provisions thereof

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 940, (House Bill No. 1114), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriation for public assistance and for advances to local county boards of assistance; providing further for the refund of certain moneys paid into the State Treasury without escheat extending the time limit within which petitions for review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 945, (House Bill No. 1310), entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county, forms used in criminal proceedings before them.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 952, (House Bill No. 1019), entitled:

An Act authorizing cities of the third class boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 966, (House Bill No. 860), entitled:

An Act to amend sections fifteen and to add sections 15.1 15.2 and 15.3 to the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended further regulating the filing of claims for taxes water rents or rates lighting rates power rates and sewer rates by political subdivisions other than cities of the first class cities of the second class and school districts of the first class removing the right to revive extend or continue the lien of such claims hereafter filed prescribing the time for selsing properties for the non-payment of such claims authorizing filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No 975, entitled:

An Act to amend section one of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 218, 1933-34), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," by enlarging the provisions thereof to include bonds which may hereafter mature and remain unpaid and bonds which have not matured but which the holders thereof have consented to surrender, and increasing the period within which refunding bonds of cities of the first class issued under the provisions of said act may be made to mature

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 985, (House Bill No. 543), entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by further regulating the lien of such taxes; removing the right to revive, extend or continue such liens; extending the provisions of said act to institution district taxes; authorizing the return of certain taxes after the time limit for such returns has expired; validating; preserving and extending liens in certain cases; prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon other liens; changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1000, (House Bill No. 650), entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tutition by certain school districts and reimbursement thereof by the State" by providing for the election of county supervisors of agriculture and homemaking the election of principals instructors and lecturers for the Public Service Institute and by further providing for the reimbursement by the Commonwealth of districts of the second third and fourth classes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1004, entitled:

An Act to further amend section six of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases,. and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by extending its provisions to sentences for any crime.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1007, entitled:

A Joint Resolution proposing an amendment to section five, article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1009, entitled:

An Act to amend the act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2821), entitled "An act to regulate the sale and advertising for sale, of goods, wares, and merchandise purporting to be an insurance, bankruptcy. mortgage, insolvent, assignees, receivers, trustees, removal, or closing out sale, or sale of goods damaged by fire, smoke, or water, in cities and certain boroughs of this Commonwealth: and to prevent fraudulent practices in connection therewith, and providing penalties for the violation thereof, and for the imposition of license fees for permission to conduct the same," by extending the provisions of said act to certain towns and townships, defining "person," "distress sale" and "closing out sale"; requiring the filing of additional information as to inventories and requiring the posting thereof; limiting the license to such goods as appear in the inventory; provid-

ing the effect of commingling goods and providing for the revocation of licenses, hearings thereon and appeals therefrom.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1017, (House Bill No. 724), entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth; conferring powers and imposing duties on the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1061, entitled:

An Act to amend section eight of the act, approved the thirty-first day of May, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties," increasing the power of the Secretary of Internal Affairs, and adding a penalty for violating the provisions thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 17, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ELK COUNTY

Miss Nellie Keeley, Fox Twp., Dagus Mines.

LEHIGH COUNTY

Mrs. Leah A. Klein, Allentown.

PHILADELPHIA COUNTY

David E. Kohler, Klein Stove Co., Trenton Ave. and Tioga St., Philadelphia.

TIOGA COUNTY

Delos C. Mosher, Wellsboro.

WASHINGTON COUNTY

Miss Phyllis L. Oxley, Donora.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. FARRELL,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. FARRELL,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eroe,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Thursday, May 18, 1939 at 12 o'clock, noon, E. S. T.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:53 o'clock, p. m. until Thursday, May 18, 1939, at 12:00 o'clock, noon, E. S. T.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 17, 1939.

The House met at 10 a. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our Blessed Heavenly Father, Thou who hast broken upon us the light of another day to reveal to us our incompleted tasks, enable us to discover Thee in every duty great or small. May daily discipline develop in us every splendid quality of manly character. May we court every prospect that makes life worth living. Give us strength to smother the roots of every bitterness and all petty strife. Broaden our vision, lengthen our skyline, deepen our faith, that we may be conquerors through Him that loved us. Blessed Father make us the sons of light through faith in Him who is the Light of the World. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. VAN BELLE, the further reading was dispensed with and the Journal approved.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TRONZO. CONCURRENT RESOLUTION No. 78.

In the House of Representatives, May 16, 1939.

Where, Growing out of the searching investigations made by the United States Senate subcommittee pursuant to a resolution to investigate violations of the rights of free speech and assembly and interference with the right of labor to organize and bargain collectively, there has been introduced in the Congress of the United States, by Senators Robert A. LaFollette, Jr. and Elbert D. Thomas, Senate Bill 1970, for the purpose of abolishing certain labor practices; and

Whereas, The purpose of this bill is to stop those evil practices which have been injected into and intensified labor disputes to the detriment of fair-minded employers, labor and the public who place their reliance on mutual goodwill and collective agreement; and

Whereas, Pennsylvania as a leading industrial State is particularly concerned that the legislation it has placed upon its statute books to make civil rights effective and encourage friendly labor relations may be continued and supported by Federal enactment to cover inter-state commerce; therefore be it

Resolved, (if the Senate concur), that the General Assembly memorialize the Congress of the United States to pass Senate Bill 1970; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House of Representatives to the presiding officer of the Senate and Speaker of the House of Representatives of the United States.

Referred to the Committee on Rules.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 366. (HOUSE BILL No. 1534).

An Act to further amend section 1109 of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Referred to the Committee on Banking.

SENATE BILL No. 539. (HOUSE BILL No. 1535).

An Act relating to proceedings for the forfeiture of rights, privileges or franchises of corporations making claim against street railway traction or motor power companies in certain cases; and providing for the disposition of rights, privileges or franchises forfeited and for contracts relating thereto.

Referred to the Committee on Public Utilities.

SENATE BILL No. 744. (HOUSE BILL No. 1536).

An Act to amend paragraph (e) of section two hundred and two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commision power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regula-

tion the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by act of September 28 1938 (Pamphlet Laws forty-four) by providing further exemptions with respect to the transfer and acquisition of property.

Referred to the Committee on Public Utilities.

SENATE BILL No. 745. (HOUSE BILL No. 1537).

An Act to amend section one thousand forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by regulating the number of times the same subject matter may be presented to the voters in a petition of initiation.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 803. (HOUSE BILL No. 1538).

An Act requiring plans and specifications for the design or construction of certain utilities, structures, projects, works, improvments, and buildings to bear the signature and seal of a registered architect or registered professional engineer of the Commonwealth of Pennsylvania before filing with or acceptance, or approval, or issuance of permit with respect thereto, by any department, board, commission or other body of the Commonwealth of Pennsylvania or any of its agencies or political subdivisions; and providing penalties.

Referred to the Committee on Education.

SENATE BILL No. 804. (HOUSE BILL No. 1539).

An Act to amend the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 933). entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act." as amended, changing limitation upon expenditures by board; revising and changing qualifications for registration; requiring registrants to obtain and use a seal; defining certain terms; requiring certain building plans to be signed by registrants; prohibiting registration of corporations and firms; prohibiting and making certain acts unlawful and increasing penalties.

Referred to the Committee on Education.

SENATE BILL No. 853. (HOUSE BILL No. 1540).

An Act to amend Subsection (a) of Section twenty-nine of the Act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred and forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

Referred to the Committee on Elections.

SENATE BILL No. 854. (HOUSE BILL No. 1541).

An Act to amend Subsection (a) of Section twenty-eight of the Act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred and eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by increasing the period prior to a primary or election during which changes in enrollment of political designation shall not be made.

Referred to the Committee on Elections.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 140.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (Pamphlet Laws 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in suburban and similar districts in all cities and boroughs

HOUSE BILL No. 349.

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas

HOUSE BILL No. 1266.

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania

HOUSE BILL No. 737.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

HOUSE BILL No. 519.

An Act to amend paragraph six of section two of the Act of June seventh one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 140.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (Pamphlet Laws 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in suburban and similar districts in all cities and boroughs

HOUSE BILL No. 349.

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas

HOUSE BILL No. 737.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

HOUSE BILL No. 519.

An Act to amend paragraph six of section two of the Act of June seventh one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

HOUSE BILL No. 1266.

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. O'DARE from the Committee on Cities—First Class reported as committed, House Bill No. 788, entitled:

An Act requiring cities of the first class to furnish free of charge to uniformed officers and men employed in the police department, fire department and park guard, the first uniform or part thereof made necessary by any change made in the prescribed uniform.

Mr. WILKINSON from the Committee on Counties reported as committed, House Bill No. 817, entitled:

An Act to amend section three hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law re-

lating to the care of the poor; and repealing existing laws," fixing the salaries of commissioners of counties of the third class for acting as officers of institution districts.

Mr. STOCKHAM from the Committee on Highways reported as amended, House Bill No. 1471 (Senate Bill No. 808), entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads," extending provisions to include boroughs, incorporated towns, or townships, and for taking over or building such connecting roads not exceeding one mile in length.

Mr. HEWITT from the Committee on Counties reported as committed, House Bill No. 1494 (Senate Bill No. 459), entitled:

An Act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions dispensing with sureties on such recognizances but providing for the acknowledgment recording and indexing of same as liens on certain real estate regulating such liens and releases therefrom providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances and repealing inconsistent laws except as to existing claims or pending suits thereunder subject to certain limitations.

Mr. McNALLY from the Committee on Cities—First Class re-reported as amended, House Bill No. 1298, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by changing the number and further regulating the appointment and terms of office of the members of the commission amplifying and changing their powers and duties further regulating the appointment of registrars and the powers and duties of registrars inspectors of registration and watchers further providing for and changing certain provisions of said act relating to the time place and manner of registering electors and their enrollment as members of political parties the transfer of registrations the change of party enrollment rehearings for rejected applicants appeals from the decisions of the commission the checking correction and cancellation of registrations the preparation and distribution of street lists and imposing additional penalties.

The SPEAKER. The Chair requests the gentleman Montgomery, Mr. Winner, to preside.

MR. WINNER IN THE CHAIR

BILLS ON FIRST READING

The SPEAKER PRO TEMPORE. The bills on the first reading calendar not on file will be passed over.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1477 (Senate Bill No. 743), entitled:

An act to amend subsection VII of section three of the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," permitting such credit unions to invest funds in loans to other credit unions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1473 (Senate Bill No. 198), entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds or other obligations of corporations when such mortgages bonds or obligations contained minor defects.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1458 (Senate Bill No. 158), entitled:

An Act to amend section one thousand two hundred six of, and to add section one thousand two hundred six and one-tenth to the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election; and imposing additional duties upon the counsels for the county boards of elections.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1469 (Senate Bill No. 642), entitled:

An Act to further amend Section 41 of the act, approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries;

the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators thereof and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings and the fees therefor: appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents," by making further provision for the investment of trust funds in interest-bearing deposits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1452 (Senate Bill No. 513), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by modifying changing and clarifying the provisions of the act relating to the corporate name

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1453 (Senate Bill No. 515), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by modifying changing and clarifying certain provisions of the act relating to the corporate name

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1390 (Senate Bill No. 249), entitled:

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1502 (Senate Bill No. 748), entitled:

An Act to amend section forty of the act appproved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to provide for the preservation of registration records

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1503 (Senate Bill No. 749), entitled:

An Act to amend section thirty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions comissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace

officers county treasurers county controllers registrars of vital statistics cetain public utility corporation real estate brokers rental agents and boards of school directors and imposing penalties" to provide for the preservation of registration records

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1504 (Senate Bill No. 750), entitled:

An Act to amend sections thirty-three and thirty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain pocedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inpectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1505 (Senate Bill No. 751), entitled:

An Act to amend sections thirty-two and thirty-three of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1506 (Senate Bill No. 457), entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1501 (Senate Bill No. 505), entitled:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1389 (Senate Bill No. 248), entitled:

An Act to amend section fifteen of the act, approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1485 (Senate Bill No. 156), entitled:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred and seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1475 (Senate Bill No. 591), entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" by extending the jurisdiction of the orphans' court to include partition proceedings between heirs of a deceased co-tenant and the surviving co-tenant

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1487 (Senate Bill No. 585), entitled:

An Act to amend clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second

class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide water systems fire hydrants and hose to pay for and maintain the same by tax levy or from revenues derived from the general road tax

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1274, entitled:

An Act providing for the fixing and taxing of additional costs in appeals taken to the Supreme and Superior Courts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1465 (Senate Bill No. 419), entitled:

An Act to amend section 202 of and add a new Section 425A to the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in cetrain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1498 (Senate Bill No. 675), entitled:

An Act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registration conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1412 (Senate Bill No. 431), entitled:

An Act to amend sections one and six of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affair. and providing penalties" by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates and defining the term "licensed weighmaster"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1493 (Senate Bill No. 761), entitled:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Montgomery, Mr. Winner.

The SPEAKER. If there be no objection, the Chair will take up bills on final passage and third reading. The Chair hears none.

The Chair requests the gentleman from Monroe, Mr. Achterman, to preside.

Mr. ACHTERMAN IN THE CHAIR

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 670, (Senate Bill No. 206), as follows:

An Act prohibiting the issuing of certain licenses and permits to persons unless school per capita taxes assessed against them have been paid providing methods for proof of payment and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license or permit except marriage licenses shall be issued or granted by any department board or commission of the Commonwealth or by any agent to the Commonwealth to any person over twenty-two years of age unless the application for such license or permit shall be accompanied by a tax receipt showing payment of a school per capita tax assessed during one of the last two calendar years preceding the year in which the application is made issued in the name of the applicant or by the

applicant's personal affidavit in substantially the following form "I.....do hereby swear (or affirm) that any school per capita tax assessed against me during one of the last two calendar years preceding the calendar year in which this affidavit is made (has been paid in full to the tax collector) (or that the tax collector has been exonerated by the tax levying authority from collecting such tax) (or that I was not assessed)

(Signed).....”

Such affidavit need not be taken before an officer authorized to administer oaths but shall be deemed self-administered when signed by the person making the same

Section 2 Any person wilfully signing a false oath or affirmation in order to secure a license or permit without the payment of the school per capita tax as herein required shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding Ten ($10.00) Dollars and in default in the payment of such fine and costs shall be sentenced to imprisonment for a term not exceeding ten days

Section 3 The provisions of this act shall not apply where the applicant is not a resident of this Commonwealth or is a resident of a school district which does not impose a per capita school tax or is exempted by law or by action of the tax leving authorities

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective the first day of September one thousand nine hundred and thirty-nine

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. HABBYSHAW. Mr. Speaker, I second the motion.

The SPEAKER PRO TEMPORE. How did the gentleman from Dauphin, Mr. Woodside, vote on the final passage of the bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

The SPEAKER PRO TEMPORE. How did the gentleman from Dauphin, Mr. Habbyshaw, vote on the final passage of the bill?

Mr. HABBYSHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER PRO TEMPORE. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 1, page 2, line 2, by inserting after the word “licenses” the following: “hunting licenses and fishing licenses”.

The SPEAKER PRO TEMPORE. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1252, as follows:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

The General Assembly of the Commonwealth of Pennsylvania herby enacts as follows

Section 1 The sum of forty thousand dollars ($40,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred three) entitled “An act providing aid by the Commonwealth to free public non-sectarian county libraries authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries and making an appropriation”

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Donahue,	Long,	Schrock,
Ackermann,	Downey,	Lovett,	Schrope,
Allen,	Ely,	Lyons,	Schwab,
Alspach,	Ewing,	Madden,	Seif,
Andrews,	Falkenstein,	Malloy,	Serrill,
Atkins,	Fauset,	Marr,	Shaw,
Auker,	Finnerty,	Matthews,	Shearer,
Baker,	Fisher,	McClester,	Simons,
Balliet,	Fiss,	McGarrity,	Sloan,
Balthaser,	Fleming,	McKinney,	Snyder,
Bardes,	Foor,	McLane,	Sollenberger,
Bennett,	Freed,	McNally,	Stank,
Bohn,	Fullerton,	McVay,	Stewart,
Boles,	Furman,	Melchiorre,	Stockham,
Boney,	Gates,	Montgomery,	Sweeney,
Boorse,	Gillan,	Mooney,	Tahl,
Boose,	Gilette,	Moran,	Tarr,
Bower,	Goll,	Moser, F. S.,	Taylor,
Boyd,	Habbyshaw,	Moser, J. L.,	Terry,
Brancato,	Haines,	Muir,	Thistle,
Bretherick,	Hall,	Munley,	Thompson, E. F.,
Broad,	Harbeson,	O'Brien,	Thompson, G. R.,
Bronson,	Harkins,	O'Connor,	Tiemann,
Brown, H. S.,	Henry,	O'Dare,	Tronzo,
Brown, S. W.,	Hess,	O'Keefe,	Trout,
Brunner,	Hewitt,	Ominsky,	Van Allsburg,
Burns,	Hindman,	O'Neill,	Van Belle,
Burris,	Hocke,	Peale,	Voorhees,
Cadwalader,	Hoffman, J. N.,	Powers,	Wagner,
Calvin,	Holland,	Preston,	Walsh,
Carpenter	Hoyt,	Readinger,	Watkins,
Check,	Huntley,	Reagan,	Weiss,
Chervenak,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Christler,	James,	Reese, R. E.,	Welsh, M. J.,
Clark	Johnston,	Regan,	Westrick,
Clearwater,	Jones,	Reynolds,	Wilkinson,
Cohen, H. B.,	Keenan,	Rhodes,	Williams,
Cook,	Kenehan,	Rider,	Wilson,
Cooper,	Kilroy,	Riley,	Winner,
Cordier,	Kline,	Robertson,	Wood, H. M.,
Cortese,	Knoble,	Rooney,	Wood, L. H.,
Curran,	Kowalski,	Rose,	Wood, N.,
Dalrymple	Krise,	Roseberry,	Woodside,
Denman,	Lee,	Rothenberger,	Yeakel,
DeNote,	Leisey,	Royer,	Turner,
Dick,	Leydic,	Sarraf,	Speaker.
Dix,	Lichtenwalter,	Scanlon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1126, Printer's No. 780, was passed over at the request of Mr. ACHTERMAN.

The SPEAKER PRO TEMPORE. House Bills Nos. 518 and 1349 are not on file and will be passed over.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1437, entitled:

An Act to amend section one of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands," providing that a judicial sale for the collection of delinquent taxes shall discharge any mortgage recorded after the effective date of this act.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WATKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1403, Senate Bill No. 339, Printer's No. 73, was passed over at the request of the SPEAKER.

Agreebly to order,

The House Proceeded to the third reading and consideration of House Bill No. 582, entitled:

An Act abolishing the Pennsylvania Securities Commission terminating the terms of its members and transferring its powers and duties to the Department of Banking

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate either the sponsor of this bill or the gentleman to whom he will yield.

The SPEAKER PRO TEMPORE. Will the gentleman from Dauphin, Mr. Habbyshaw, permit himself to be interrogated?

Mr. HABBYSHAW. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I ask that this bill be passed over in its order.

BILL POSTPONED

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I think that this bill requires a tremendous amount of amendment in order to make it an effective piece of legislation, and in order to give everybody the opportunity, I move that this bill be placed on the third reading postponed calendar.

The SPEAKER PRO TEMPORE. Does the Chair understand that the gentleman from York objects to the bill being passed over in its order?

Mr. HERBERT B. COHEN. Mr. Speaker, I think Mr. Woodside, the gentleman from Dauphin, will agree to my motion.

Mr. WOODSIDE. Mr. Speaker, I second the motion to place the bill on the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 717, as follows:

An Act to further amend section nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optrometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the granting suspension revocation of the licenses of optometrists

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 795) is hereby further amended to read as follows

Section 9 The State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit the peddling from house to house or person to person either personally or through the employment or aid of solicitors or the establishment of temporary offices contrary to the provisions of this act [or the use of misleading advertising or gross] incompetency or the obtaining of money by fraud or misrepresentation of the optmetrical profession in which untruthful statements are made or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry or the use of any name by a certificate holder other than the name recorded in optometrical board registration files or the aiding or abetting directly or indirectly of and violation of the aforesaid acts or practice or for any other direct or indirect grossly unethical practice or any form of direct or indirect prentence which might induce citizens to become a prey to professional exploitation or the failure to deliver the certificates provided for in section six of this act or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of the duties of an optometrist [or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the

profession of optometry] The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Donahue,	Lyons,	Schrope,
Ackermann,	Downey,	Madden,	Schwab,
Allen,	Ely,	Malloy,	Seif,
Alspach,	Ewing,	Marr,	Serrill,
Andrews,	Falkenstein,	Matthews,	Shaw,
Atkins,	Fauset,	McClester,	Shearer,
Auker,	Finnerty,	McGarrity,	Simon,
Balliet,	Fisher,	McKinney,	Sloan,
Balthaser,	Fiss,	McLane,	Snyder,
Bardes,	Fleming,	McNally,	Sollenberger,
Bennett,	Foor,	McVay,	Stank,
Bohn,	Gates,	Melchiorre,	Stewart,
Boies,	Gillan,	Montgomery,	Stockham,
Boney,	Fullerton,	Mooney,	Sweeney,
Boorse,	Furman,	Moran,	Tahl,
Boose,	Gillette,	Moser, F. S.,	Tarr,
Bower,	Goll,	Moser, J. L.,	Taylor,
Boyd,	Habbyshaw,	Muir,	Terry,
Brancato,	Haines,	Munley,	Thistle,
Bretherick,	Hall,	O'Brien,	Thompson, E. F.,
Broad,	Harbeson,	O'Connor,	Thompson, G.R.,
Bronson,	Harkins,	O'Dare,	Tiemann,
Brown, H. S.,	Henry,	O'Keefe,	Tronzo,
Brown, S. W.,	Hess,	Ominsky,	Trout,
Brunner,	Hewitt,	O'Neill,	VanAllsburg,
Burns,	Hindman,	Peale,	Van Belle,
Burris,	Hocke,	Powers,	Voorhees
Cadwalader,	Hoffman, J. N.,	Preston,	Wagner,
Calvin,	Holland,	Readinger,	Walsh,
Carpenter,	Hoyt,	Reagan,	Watkins,
Check,	Huntley,	Reese, D. P.,	Weiss,
Chervenak,	Imbrie,	Reese, R. E.	Welsh, E. B.,
Christler,	James,	Regan,	Welsh, M. J.,
Clark,	Johnston,	Reynolds,	Westrick,
Clearwater,	Jones,	Rhodes,	Wilkinson,
Cohen, H. B.,	Kenehan,	Rider,	Williams,
Cook,	Kilroy,	Riley,	Wilson,
Cooper,	Kline,	Robertson,	Winner,
Cordier,	Knoble,	Rooney,	Wood, H. M.,
Cortese,	Kowalski,	Rose,	Wood, L. H.,
Curran,	Krise,	Roseberry,	Wood, N.,
Dalrymple,	Lee,	Rothenberger,	Woodside,
Denman,	Leisey,	Royer,	Yeakel,
DeNote,	Leydic,	Sarraf,	Turner,
Dick,	Lichtenwalter,	Scanlon,	Speaker.
Dix,	Lovett,	Schrock,	

NAYS—3

Baker,	Freed,	Keenan,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1221, as follows:

An Act relating to the Anthracite Industry creating the Pennsylvania Anthracite Commission establishing its jurisdiction powers and duties providing for an Anthracite Producers' Advisory Board regulating the production and marketing of anthracite within the Commonwealth assigning production quotas to producers of anthracite prescribing standards of sizing purity and grading for anthracite levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite and the development of anthracite burning devices and additional uses for anthracite eliminating unfair discrimination in wage and hour standards in anthracite mining operations authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite providing for the licensing of anthracite producers and for the granting refusal suspension and revocation of such licenses providing for appeals to the courts of the Commonwealth from the orders of said Commission creating a special fund in the State Treasury into which the taxes fees fines and penalties arising under the Act are to be paid appropriating the monies in said fund and making a temporary appropriation to said fund and providing penalties and remedies for violations of the provisions of the Act and the rules regulations and orders of the Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

Legislative Findings of Fact and Declaration of Policy Short Title Definitions

Section 1 Findings of Fact and Declarations of Policy The following legislative findings of fact and declaration of policy with respect to the Anthracite Industry are hereby made

The production and sale of anthracite is a basic industry vital to the economic and social life of this Commonwealth by virture of the fact that practically all anthracite deposits within the United States are located within a narrow tract of land inside the Commonwealth Within this anthracite area there is invested more than four hundred millions of dollars devoted to the mining and preparation of anthracite and many more millions of dollars the taxable value of which and profitable use of which are in large part dependent on the volume of commerce arising from the Anthracite Industry More than one hundred thousand citizens of the Commonwealth are directly dependent upon this industry as their prime means of livelihood and many hundreds of thousands of such citizens are indirectly dependent in whole or in part upon this industry Practically 25% of the entire production of anthracite is consumed within the Commonwealth by persons who are dependent upon it as their chief source of fuel

During the period of the last ten years the consumption of anthracite within and outside of the Commonwealth and as a result the production thereof have decreased more than 35% because of the competition of other fuels and the effect of the economic depression throughout this Commonwealth and other anthracite burning areas To meet this situation many mining operations have been abandoned and others have been concentrated and made more efficient by the introduction of labor-saving machinery in order to lessen the cost of production

Said trends and changes in said industry have resulted in increasing unemployment part-time employment large operating losses depletion of reserves and in many cases

bankruptcy Unrestrained and ruinous competition has developed among producers because of lack of legal authority for collective and cooperative action among producers to regulate and stabilize production and merchandise practices This condition has prevented an orderly and durable program for the permanent good of the Commonwealth and the Industry has led to practices of temporary expediency involving waste of this basic natural resource and the capital invested in the Industry and hardship to those dependent directly or indirectly upon the Industry

To meet the foregoing emergency it is necessary temporarily to provide ways and means whereby said Industry may act as a unit in meeting the competition of other fuels whereby economic pressure which has forced wasteful operation of many mines may be relieved whereby further depletion of financial reserves and impairment of taxable values may be prevented and the financial credit of the Industry restored whereby existing agencies for research work and promotional activities may be expanded for the purpose of regaining lost markets and developing new markets and whereby unemployment in the Industry may be reduced to a minimum

For these and other reasons it is declared that the production marketing and sale of anthracite in the Commonwealth is facing an emergency involving the public interests and that this Act is enacted to promote the general welfare to conserve anthracite as a natural resource and remove the economic pressure which results in wasteful methods of mining thereof to promote employment and security for the payment of wages of those employed in connection with the Anthracite Industry to protect capital invested therein from further depletion and dissipation to maintain the value of anthracite properties as a basis for taxation and to maintain and increase the volume of commercial activity within the Commonwealth

Section 2 Short Title This Act shall be known and may be cited as the "Anthracite Control Act"

Section 3 Definitions and Interpretations The following words and phrases as used in this Act except where the context clearly indicates otherwise shall be construed to mean as follows

(1) "Anthracite" Anthracite mined in the counties of Carbon Columbia Dauphin Lackawanna Luzerne Northumberland Schuylkill Susquehanna and Wayne in the Commonwealth of Pennsylvania

(2) "Board" The Anthracite Producers' Advisory Board provided for under this Act

(3) "Breaker" or "Washery" A preparation plant in which run-of-mine anthracite is crushed washed or screened into commercial sizes for shipment to market

(4) "Commercial Sizes of Anthracite" The sizes of Anthracite sold to consumers and known as Broken Egg Stove Chestnut Pea Buckwheat Buckwheat Number 1 Rice Buckwheat Number 2 and Barley Buckwheat Number 3

(5) "Commission" The Pennsylvania Anthracite Commission created under this Act

(6) "Department of Mines" The Department of Mines of the Commonwealth of Pennsylvania

(7) "Lawfully Mined" Referring to anthracite which has been legally taken with the consent of the owner or lessee

(8) "Mine" An underground working from which anthracite is removed for preparation at a breaker or washery

(9) "Mining" The Act of removing run-of-mine anthracite from mines strippings or refuse banks

(10) "Producer" Any person or group of persons operating under common ownership and control at the time of the passage of this Act engaged in the lawful mining of anthracite or the preparation of anthracite which has been lawfully mined or in both said mining and preparation

(11) "Refuse Bank" A surface deposit or refuse from old or abandoned breakers from which anthracite is reclaimed through modern methods of preparation at a breaker or washery

(12) "Run-of-Mine Anthracite" Anthracite as removed from a mine strippings or refuse bank to be sent to a breaker or washery for preparation into commercial sizes

(13) "Marketing Corporation" Any anthracite cooperative marketing corporation or association

(14) "Stripping" A surface excavation of overlying strata to recover a seam of underlying coal for preparation at a breaker or washery

ARTICLE II

Pennsylvania Anthracite Commission

Section 201 Organization of the Commission Appointment and Terms of Members Quorum

(a) There is hereby created an independent administrative commission to be known as the Pennsylvania Anthracite Commission The Commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate who shall serve during the term of this Act or until their respective successors shall be duly appointed and qualified

(b) The Governor shall designate one of the members of the Commission as Chairman Two members of the Commission shall constitute a quorum and any action or order of the Commission except as herein otherwise provided shall require the approval of at least two members

(c) The Governor may remove any Commissioner for inefficiency neglect of duty or misconduct in office The Commissioner so charged shall be given a copy of the charges and an opportunity to be heard publicly in person or by counsel in his own defense upon not less than ten (10) days' notice Upon reaching a decision the Governor shall file with the Department of State the complete record of the charges and proceedings and his findings and decision thereon

Section 202 Qualifications and Salaries

(a) Each member of the Commission at the time of his appointment and qualification shall be a citizen of the United States and a bona fide resident of the Commonwealth of Pennsylvania No member of the Commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States No member of the Commission and no officer employee or agent or attorney of the Commission shall reside outside the Commonwealth of Pennsylvania or shall engage in any employment or vocation incompatible with his duties under this Act or retain any financial or other connection with or financial interest in any enterprise engaged in the production transportation or sale of anthracite or any other fuel or any association of workers engaged in such industry or any other competing industry Any person violating provisions of this paragraph shall be subject to removal for violation hereof

(b) The Chairman of the Commission shall receive a salary of Twelve Thousand Five Hundred Dollars $12,500 per annum The other members of the Commission shall receive Ten Thousand Dollars ($10,000) per annum

Section 203 Secretary Employees Administrative Code

(a) The Commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the Commission shall prescribe and shall receive such compensation as the Commission with the approval of the Governor shall determine The Commission shall have the power and authority to designate from time to time one of its clerks to perform the duties of the secretary during his absence and the clerk so designated shall possess for the time so designated the powers of the secretary of the Commission

(b) The Commission with the approval of the Governor shall have the power to appoint and fix the compensation of such officers experts engineers statisticians accountants inspectors clerks and other employees as may be necessary for the proper conduct of the work of the Commission provided that the compensation of such person shall be fixed in accordance with the standards of compensation fixed by the Executive Board of this Commonwealth

(c) Except as otherwise specifically provided in this Act the Commission and its employes shall be subject to all the provisions of the Administrative Code of One

Thousand Nine Hundred and Twenty-Nine approved on the ninth day of April One Thousand Nine Hundred and Twenty-Nine and its amendments and supplements which apply generally to independent administrative boards or commissions

(d) No person employed in the work of the Commission shall be eligible to appear before the Commission representing any person interested in any proceeding pending before the Commission

Section 204 Counsel to the Commission The Attorney-General with the approval of the Governor may from time to time appoint a counsel and such assistant counsel as may be required for the proper conduct of the work of the Commission Such counsel and assistant counsel to the Commission shall be and shall remain during their employment as counsel bona fide residents of the Commonwealth of Pennsylvania Such counsel and assistant counsel as directed by the Commission shall attend hearings before the Commission or a Commissioner and conduct the examination of witnesses shall represent the Commission in all litigation and judicial or administrative proceedings in which the Commission is a party or an intervenor shall assist the Attorney-General of the Commonwealth in all mandamus injunction and other proceedings at law or in equity instituted by him for the enforcement of the provisions of this Act or the rules regulations and orders of the Commission and shall perform such other professional duties as may be required of them by the Commission The compensation of the Counsel and assistant counsel shall be fixed by the Attorney-General with the approval of the Governor

ARTICLE III

Antharcite Producers' Advisory Board

Section 301 Organization of Board

(a) A Board of ten members to be known as the Anthracite Producers Advisory Board shall be organized at a meeting called by the Commission for such purpose within two weeks after the establishment of the Commission Four members of such Board shall be elected by a plurality vote of producers eligible for a license under this Act Six members of such Board shall be elected upon a tonnage basis at which tonnage election each producer shall be entitled to cast as many votes as the number of net tons of anthracite which the Commission shall certify were produced by such producer during the calendar year 1938 as shown by the reports of the Department of Mines No producer shall at any time have more than one representative on said Board

(b) Board members shall serve during the term of this Act or until their respective successors are elected All vacancies on the Board shall be filled by the same group and method of election which controlled in selecting the previous occupant A majority of the Board shall constitute a quorum and all action shall be taken by a majority vote of any quorum present

(c) The Board shall have power to advise the Commission in respect to all matters covered by this Act including ways and means of securing observance and enforcement of its provisions to adopt rules and regulations not inconsistent with this Act and to elect officers from its own membership including a chairman secretary and treasurer or secretary-treasurer and fix their terms of office and compensation if any and to appoint or employ such committees employees agents and any other persons which it believes will be helpful to effectuate the purpose of this Act The members of the Board as such shall serve without compensation but the expenses of the Board and its members and employees or such portion thereof as the Commission shall deem reasonable and proper shall be paid by the Commission out of the Anthracite Control and Promotion Fund hereinafter created in this Act upon requisitions duly authenticated by the Board

(d) Nothing contained in this Act shall constitute the members of the Board partners for any purpose nor shall any members of the Board be liable in any manner to any one for any act of any other member officer agent or employee of the Board nor shall any member of the Board exercising reasonable diligence in the performance of his duties under this Act be liable to anyone for any act or omission to act under this Act except for his own wilful misfeasance or for nonfeasance involving moral turpitude

ARTICLE IV

Producers' Licenses

Section 401 Persons Required to be Licensed On and after sixty days from the effective date of this Act it shall be unlawful for any person to operate any breaker or washery within the Commonwealth except pursuant to the terms and conditions of a producer's license to be issued by the Commission specifying each breaker or washery to be operated by him

Section 402 Application for a License An application for a producer's license to operate any breaker or washery shall be made to the Commission and shall be accompanied by a fee of $5.00 It shall be the duty of the Commission where practicable to pass on each application within thirty days from the date of filing and to enter an appropriate order theron The application shall contain statements of facts under oath as follows

(1) The name of the applicant and his principal office or place of business If the applicant is a copartnership or association the name and address of each member thereof if a corporation the names and addresses of all officers and directors thereof

(2) The location of each of the breakers or washeries to be operated under the license and the location of each mine stripping or bank regularly supplying each said breaker or washery

(3) The amount of anthracite of different sizes annually produced from each breaker or washery during the calendar years 1936 1937 and 1938 or such lesser period during which said breaker or washery has been operated

(4) The amount of anthracite of different commercial sizes shipped by rail the amount shipped by truck the amount marketed through wholesalers the amount marketed directly through retailers the amount marketed directly to consumers all during the calendar years 1936 1937 and 1938

(5) Number of employees employed by the producer in any phase of the mining or preparation of anthracite and the number of days worked by said employees in such detail as the Commission may require

(6) The amount of unsold anthracite on cars or in storage at the time of filing the application

(7) Such other facts with respect to all of the past future business of the applicant in mining and preparing anthracite as may be required by the Commission to aid it in carrying out the provisions of this Act

The Commission may require any applicant to substantiate statements in his application by competent testimony under oath or affirmation

Section 403 Terms and Conditions of Licenses Every license issued by the Commission shall include in its terms and conditions the following

(1) That the licensee shall observe all the laws of the Commonwealth applicable to the operation of his business of mining and preparing antracite including the provisions of this Act and all valid rules regulations and orders made and promulgated by the Commission

(2) That the licensee in mining and preparing anthracite shall adhere to the prevailing wage and hour standards provided for in any collective bargaining agreement applicable to the particular mines and breakers covered by the license

(3) That the licensee shall not receive or prepare anthracite where he knows or ought to know that such anthracite has been unlawfully mined

(4) That the licensee make such reports and statements relative to its business of mining preparing and selling anthracite as may be required by the Commission

(5) That the licensee shall at all times make available to the Commission for inspection by its authorized representatives all papers books of account documents and records of any kind or character whatsoever relating to the business of the licensee in mining preparing and marketing anthracite which in the judgement of the Commission will aid the Commission in the enforcement of the provisions of this Act and the attainment of the purposes thereof

Section 404 Licensing New Operations

(a) No License shall be issued to start the operation of any breaker or washery which is not in operation at the time of the passage of this Act except upon the same terms and conditions upon which licenses to continue existing operations are issued and upon a showing of the following additional facts

(1) That the operation of the proposed beraker or washery and the mines strippings or banks to supply it will not normally result in a financial loss if operated upon the basis of the tonnage to be allocated to it by the Commission and upon adherence to the prevailing wage and hour standards applicable to the particular mines and breakers covered by the license and in compliance with all other provisions imposed by this and other acts of the Commonwealth

(2) That the licensee has sufficient financial resources unconditionally available for the proposed operation to afford reasonable assurance of his financial ability to comply with the laws of the Commonwealth and to pay wages salaries and other obligations to be incurred currently in connection with the operation of said breaker or washery and the mines strippings or banks operated or to be operated or financed by him in connection therewith

b The provisions of this Section shall not apply to the opening or re-opening by any producer of any breaker or washery to provide tonnage in lien of tonnage formerly produced from some other breaker or washery operated by him on lands owned controlled or leased by him at the date of or after the passage of this Act

Section 405 Duty of Commission to Issue Licenses On application and upon the terms and conditions set forth in this Article shall be the duty of the Commission to grant licenses to operate any breaker or washery

Section 406 Suspension and Revocation of Licenses The Commission may and in the case of repeated or outstanding violations shall suspend or revoke the license of any producer after giving fifteen days' notice of hearing and an opportunity to be heard for any of the following acts to wit

(1) Violation of any of the terms or conditions of the license

(2) Wilful violation of or failure after receipt of warning from the Commission to comply with any of the provisions of this Act or any acts of the Commonwealth of Pennsylvania in respect to the mining preparation and sale of anthracite or any rules regulations and orders of the Commission

(3) Failure after thirty days' notice of default to comply with any of the provisions of Article X hereof or to pay the taxes therein provided for

(4) Wilfully furnishing false or misleading statements to the Commission.

Any action of the Commission in granting refusing suspending or revoking a license shall be effective only on the entry of an appropriate order by the Commission

ARTICLE V

Records Reports And Information

Section 501 Records All persons required to be licensed under the provisions of this Act shall keep within the Commonwealth the following records

(a) Daily weekly and monthly records of

(1) All commerical sizes produced by each breaker or washery from the mines strippings and banks supplying such breaker or washery

(2) The production of mines strippings and banks supplying the breaker or washery

(3) The number of employees at each breaker washery mine stripping or bank and their working time.

(b) Proper books of account and records showing all items of cost of anthracite operations including but not limited to wages and salaries materials and supplies sales expense royalties taxes insurance depreciation and depletion

(c) Books of account and records as specified by the Commission showing the producers' realization on the sale of anthracite

(d) Such other records and information as the Commissions may deem necessary for the proper enforcement of this Act

The records herein required shall be kept in the possession of such person for a period of not less than two years unless the Commission otherwise provides

Section 502 Entry and Inspection Any member of this Commission or any employee designated for the purpose shall have the power to enter and inspect at all reasonable hours all places and equipment where anthracite is produced stored sold or otherwise handled in the Commonwealth and to inspect audit and copy all books entries papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the Commission to administer this Act No member or employee of the Commission shall disclose such information to other than Commission members or employees except at authorized by the Commission in connection with its duties and powers under this Act

Section 503 Dissemination of Information Conferences All persons licensed under this Act and any marketing corporation and the members thereof may discuss cost of production marketing market conditions and merchandising practices and other matters relating to any and all branches of the Anthracite Industry and may collect prepare exchange interpret and disseminate statistics information recommendations and prognostications pertaining thereto either directly or by and through a common agent created or selected by them which agent may be the Commission if it consent to so act upon request

ARTICLE VI

Production Control and Quotas

Section 601 Board Recommendations on Production Control

(a) The Board on Monday of each week shall make forecasts of market demand and recommend to the Commmmission the total amount of tonnage of commercial sizes of anthracite which should be produced in said week in order to maintain a reasonable balance between volume of production and market demand Any licensed producer at his option may also make like recommendations to the Commission

(b) The Commission shall issue an order or orders not later than Tuesday of each week fixing the aggregate amount of commercial sizes of anthracite to be produced by the Industry in said calendar week upon the basis of the standards herein set forth

(c) The Commission but only on the recommendations of the Board may from to time change the length of time for such periodic forecasts and production control

(d) In order to assist the Board in making such recommendations and the Commission in fixing the aggregate weekly production for the Industry each producer shall transmit weekly reports to the Board and the Commission (to reach said Broad and Commission by Monday Noon of each week) showing all unsold tonnage on loaded cars standing at the breakers or washeries on tracks in the vicinity of the mines or at other points which may be designated for such purposes by railroad companies and to tidewater piers and lake ports together with cars en route to piers or ports and anthractice in storage wherver located

Section 602 Percentage Assignments and Quotas

(a) The Board shall also recommend to the Commission the percentage of the total allowable production for the entire Industry which should be assigned to each licensed producer and such percentages when fixed by the Commission shall be the basis for determining what tonnage quota shall be produced by each licensed producer during each week or such other period for which the Commission shall fix the total allowable production of the Industry

(b) The Commission after due notice and hearing as prescribed by this Act shall adopt reject or modify in whole or in part said recommendations as to assigned percentages and shall make and promulgate appropriate findings rulings and orders in respect thereto If the Board shall fail within such period of time as may be fixed by the Commission to make complete recommendations in respect to the matters provided for in this Section

the Commission shall proceed on its own initiative without such recommendations after due notice and hearing as herein provided to make and promulgate appropriate findings rulings and orders in respect thereto

(c) Such assigned percentages shall remain unchanged during the term of this Act except for adjustments expressly provided for in this Section Provided however That licensed producers standing in the relationship of lessor and lessee may with the approval of the Commission adjust their respective assigned percentages between themselves without however increasing the total assigned percentages of said lessor and lessee

(d) All assigned percentages recommended by the Board and all assigned percentages fixed by the Commission with or without recommendations of the Board shall be based on the daily production of each producer for the calendar year 1938 or the average of the calendar years 1936 1937 and 1938 whichever is the higher after and subject to any adjustments which may be necessary under subdivisions (e) and (g) of this section and the assigned percentage of each producer shall be the ratio between the daily production of said producer fixed on such basis and the total daily production of all licensed producers

"Daily production" means the total tonnage of commercial sizes produced by each breaker or washery divided by the working days of the mines strippings or banks regularly supplying such breaker or washery In case of more than one source of supply to any breaker or washery the working days shall be determined by dividing the total man-days by the total number of employees Such daily production of each breaker or washery computed as aforesaid shall be based on the reports to the Department of Mines for the calendar years 1936 1937 and 1938 and shall be verified and corrected from the books and records of the producer

In the case of anthracite reported to the Department of Mines as run-of-mine but not included in the commercial production of the breaker or washery through which such anthracite was prepared for market the commercial sizes resulting from such preparation thereof shall be credited to the breakers or washery in which it was prepared for market for the purpose of computing the daily production of said braker or washery

(e) In determining the daily production of any producer who operated during the year 1938 but who did not operate during the entire period of the years 1936 1937 and 1938 where said producer alleges that his daily production as determined in the manner provided in subdivision (d) of this Section is inequitable the Commission after receiving recommendations of the Producers' Board subject to the procedure set forth in subdivision (b) of this Section may in its discretion increase said daily production to an extent not exceeding fifteen (15) percentum thereof for the purpose of determining the assigned percentage of said producer under this Section

(f) In the case of breakers or washeries not operated in the year 1938 and in operation at the time of the passage of this Act or in the case of new breakers or washeries hereafter licensed under section four hundred four of this act daily production quotas to such breakers or washeries shall be established with reference to their daily performance when last operated by the same or another producer subject however to such adjustment as the Commission may determine in the light of the scope of the operation the number of men employed and other factors necessary to the establishment of an equitable quota

Daily production quotas established under this subdivision shall be fixed by the Commission upon recommendations of the Board subject to the provisions of subdivisions (a) and (b) of this Section

(g) If in the year 1938 or thereafter but prior to the passage of this Act the whole or any part of the production of any mine stripping or bank has passed from the breaker or washery of one producer to the breaker or washery of another producer then and in such event the Commission shall make such adjustments in tonnage in each of the years 1936 1937 and 1938 as may be necessary to arrive at the daily production of the producers affected in order to compute the assigned percentages of said producers under subdivision (d) of this section

(h) If after the passage of this Act the whole or any part of the production of any mine stripping or bank passes from the breaker or washery of one licensed producer to the breaker or washery of another licensed producer then and in such event the Commission shall make such adjustment in the assigned percentage of such producer as shall be necessary to compensate for such changes

(i) If hereafter any producer operating two or more breakers or washeries shall close down any of said breakers or washeries said cessation of operations shall not result in any reduction of the assigned percentages of said producer provided that the remaining breakers or washeries have sufficient capacity to produce the assigned tonnage of the respective breakers or washeries of said producer but the provisions of this subdivision shall not apply in the case of cancellation or surrender of any lease where the production of said leasehold has passed to the lessor under the provisions of subdivisions (g) or (h) of this section

(j) Tonnage allocated to new breakers or washeries (if produced from lands in which a producer theretofore licensed has or at the time of the passage of this Act had any interest through ownership lease or otherwise) shall be deducted from the previously assigned percentage of said producer

(k) Tonnage allocated to new breakers or washeries (if produced from lands in which a producer theretofore licensed had no interest through ownership lease or otherwise at the time of the passage of this Act) shall be deducted from the assigned percentage of all producers

(l) If the Board shall find that the steam sizes of anthracite (buckwheat rice and barley) produced from the allocated tonnage of licensed producers are not sufficient to meet the market demand for such sizes the Board may recommend and the Commission upon finding that such demand exists may authorize an additional production of such steam sizes from refuse banks through licensed breakers or washeries for such period as the Commission shall determine is necessary to meet such demand and shall allocate such additional production of steam sizes among the licensed producers affected upon a fair and equitable basis taking into consideration among other things the grades or classifications of anthracite for which such demand exists and the producers capable of supplying the same

(m) In the case of producers having a breaker or washery but owning or controlling no mines the production allotted to said breaker or washery under the terms of this Act shall be divided among the mines producing the coal prepared at such breaker or washery in the proportions said coal was produced and delivered to said breaker or washery during the year 1938 unless for some reason one or more of said mines was not operating fully during said year 1938 in which case the Commission shall allocate said production among the said mines as fairly as may be considering the production of the respective mines for the average of the three calendar years 1936 1937 and 1938 or such portions thereof as said mine or mines were operated

In the case of a breaker or washery which during the year 1938 processed or prepared coal for a mine or mines controlled by the owner or operator of said breaker or washery and also for a mine or mines of other producers supplying coal to said breaker or washery the tonnage allocated to said breaker or washery shall be divided among the several producers and the owner or operator of said breaker or washery in the same proportions as each produced of the total tonnage output of said breaker or washery during the year 1938 and no discrimination shall be made against mines which do not belong to the owner or operator of said breaker or washery nor shall the owner or operator thereof receive a larger quota for coal produced from mines owned by the owner of said breaker or washery by reason of refusal any longer to process coal for mines belonging to other producers

In the event however that the proportion allotted to any

said producer delivering to the breaker or washery of another or that the proportion allotted to the owner of such breaker or washery shall be deemed unfair by any such producer or owner he may appeal to the Commission for a different allotment or proportion and the Commission after hearing held upon due notice to all of the parties delivering coal for processing to said breaker or washery shall make such allocation among the mines supplying said breaker or washery as may appear just and equitable Nothing in this section shall compel the owner of any breaker or washery to continue to process coal for any producer after said producer has been given a written notice for a length of time sufficient to reasonably enable said producer to obtain other breaker or washery arrangements or to construct a breaker or washery of his own

Section 603 Enforcement Reports Tolerances

(a) To secure the enforcement of the provisions of this article the Commission shall require weekly reports of the volume of commercial sizes of anthracite produced by any licensed producer from each breaker and washery which reports shall be made by sizes and shall indicate whether said produced anthracite has been actually sold or is being stored or carried in cars Said reports shall be verified under oath or affirmation and the Commission in its discretion shall have full power to investigate the books and records and examine witnesses as to the truth or accuracy of any such reports

(b) The Commission shall prepare monthly tabulations of such weekly reports showing the cumulative tonnage of each producer for the calendar year and shall make monthly checks of such tonnage against the amount of the weekly allocated tonnage for said licensed producer on the basis of his assigned percentage The Commission may from time to time fix tolerances in the weekly allocated tonnage of any producer provided that said tolerance shall not exceed fifteen per cent of the weekly allocated tonnage of the producer and that any future adjustment to offset said tolerance shall be absorbed in the succeeding week

(c) No producer who in the judgment of the Commission intentionally underproduces his allocated tonnage or quota during any period for the deliberate purpose of accumulating tonnage for marketing in any subsequent period shall be permitted to add any part of such underproduction to his quta for any subsequent period

(d) Any producer who has suffered a deficiency in his weekly allocated tonnage by reason of a stoppage of production for causes beyond his control has the right (on filing a written statement of the facts with the Commission) to increase his weekly production beyond his weekly allocated tonnage until said deficiency has been offset

Section 604 Violations It shall be a violation of this Act for any producer to produce any greater tonnage of commercial sizes than is permissible for said producer under this Act

ARTICLE VII

Standards of Preparation

Section 701 Recommendations of Board The Board shall recommend to the Commission appropriate standards to govern the sizing purity and grading of commercial sizes of anthracite prepared and sold by any producer as well as rules and regulations in respect to the sale and trade description thereof

Section 702 Commission Findings and Orders The Commission after due notice and hearing as prescribed by this Act shall adopt reject or modify in whole or in part the recommendations provided for in Section 701 of this Article and shall make and promulgate appropriate findings rulings and orders in respect thereto

If the Board shall fail within such period of time as may be fixed by the Commission to make any recommendations as provided for in Section 701 of this Article the Commission shall proceed on its own initiative without such recommendations but after due notice and hearing as herein provided to make and promulgate appropriate findings rulings and orders in respect to such matters

Section 703 Violations It shall be a violation of this Act for any producer to sell or market any anthraicte contrary to the rules regulations and orders of the Commission made and promulgated under this Article

ARTICLE VIII

Hearings on Percentage Assignments and Standards of Preparation

Section 801 Procedure Before acting on any of the matters set forth in Article VII or on the percentage assignments provided for in Section 602 of Article VI the Commission shall hold public hearings thereon at such place or places as it may determine of which due notice shall be given to all licensed producers and published in a newspaper of general circulation in the Anthracite Region If prior to the issuance of such notice the Commission shall have received recommendations from the Board in respect to any matters covered by said notice then and in such event a copy of such recommendations shall be mailed to all licensed producers prior to said hearing At such hearings the Commission shall receive and hear arguments and evidence offered by any producer and by any other interested person desiring to be heard and who the Commission in its discretion believes it to be in the public interest to be heard A transcript shall be kept of all such hearings and shall be open to inspection by any person whom the Commission shall decide has sufficient interest in such proceeding

Section 802 Re-hearing Any person aggrieved by any order of the Commission made and promulgated after a hearing under this Article shall have the right within ten (10) days after the service of such order to move for a re-hearing and in such motion shall specify the grounds upon which it claims to be aggrieved by said order The Commisison in its discretion may grant or deny such motion and in the event that it is granted and a re-hearing held may affirm modify or rescind its original order No application for a re-hearing shall operate as a supersedeas or in any manner stay or postpone enforcement of any existing order except as the Commission may direct There shall be no appeal to any court from orders to which this Article applies without filing such a motion for a re-hearing and awaiting the outcome thereof Review on appeal from any said order shall be limited to the assignment of errors set forth in such motion for re-hearing

ARTICLE IX

Marketing Corporations

Section 901 Organization and Powers Any three or more licensed producers may organize an association or form a corporation for the cooperative and collective marketing of anthracite produced by them or other licensed producers and thereby fix the prices terms and conditions of sale for anthracite sold by said association or corporation and such cooperative marketing associations or corporations may enter into agreements with each other fixing prices and terms and conditions of sale to be applied to the marketing and distribution of all or any part of the anthracite sold by them

Section 902 Cease and Desist Orders by Commission It shall be the duty of the Commission to issue cease and desist orders against any arrangements or practices of marketing corporations which after due notice and hearing it shall find have resulted in undue prejudice to the public interest

ARTICLE X

Antharcite Tonnage Tax

Section 1001 Imposition of Tax From and after the passage of this Act each and every net ton of commercial sizes of anthracite prepared in this Commonwealth for market shall be subject to a tax of five cents which said tax shall be assessed at the time when said anthracite has been prepared and is ready for shipment to market and the producer of such anthracite shall be liable for said tax

Section 1002 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this Article it shall be the duty of every producer liable to pay the tax herein imposed to transmit to the Depart-

ment of Revenue on a monthly basis beginning the 15th day of the month following the first calendar month or fraction of such month in which this Act is effective and monthly thereafter upon a form prescribed prepared and furnished by the Department of Revenue a report under oath or affirmation of its president vice-president or other principal officer and its treasurer assistant treasurer or other fiscal officer of the total tonnage of commercial sizes of anthracite prepared by said producer and ready for shipment to market during the preceding calendar month or fraction thereof in which this Act is effective

Every producer upon the date its monthly reports are required herein to be made shall pay to the Department of Revenue the full amount of the tax due to the Commonwealth upon the total tonnage of commercial sizes of anthracite prepared by said producer and ready for shipment to market during the calendar month or fraction thereof preceding the date when said report is required to be made and except as otherwise provided by law no extension of time for the filing of any report granted by the Department of Revenue shall extend the date any tax imposed by this article shall be due and payable The amount of all taxes imposed hereunder and not paid on or before the times as above provided shall bear interest at the rate of six per centum (6%) per centum from the date they are due and payable until sixty (60) days after settlement and thereafter at the rate of twelve per centum (12%) per annum until paid except that any taxes found due as a result of an appeal to the Court of Common Pleas or any Appellate Court shall bear interest at the rate of six per centum (6%) per annum from the date such taxes are due and payable until paid provided however that any producer may pay the full amount of such tax or any part thereof together with interest to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court If it be thereafter determined that such taxes were overpaid the Department of Revenue shall enter a credit to the account of such producer which may be used by it in the manner prescribed by law

If any person herein required so to do shall neglect or refuse to make any report or shall knowingly make any false report an additional ten per centum (10%) of the amount of the tax shall be added by the Department of Revenue to the tax determined to be due

Section 1003 Extension of Time to File Reports The Department of Revenue may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the producer required to file such report an extension of not more than thirty (30) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this Article

Section 1004 Settlement and Resettlement

(a) All taxes due hereinunder shall be settled by the Department of Revenue and such settlement shall be subject to audit and approval by the Department of the Auditor-General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of the three months period following the date when the tax return or report was required to be made

(b) Promptly after the date of any such settlement the Department of Revenue shall send by mail or otherwise a copy thereof to such producer The tax imposed by this Article shall be settled and resettled and otherwise imposed and adjusted in the same manner except as otherwise prescribed herein within the same periods of time and with the same right of settlement review appeal and refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the Department of Revenue is not satisfied with such settlement the Department of Revenue is hereby authorized and empowered to make a resettlement of the tax due from such producer based upon facts contained in the reports of such producer or upon any other information then or thereafter within the Department's possession

Whenever resettlement shall have been made hereunder the Department of Revenue shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the producer with which it is made The resettlement shall be subject to audit and approval by the Department of the Auditor-General as in the case of the original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any producer shall neglect or refuse to make any report and payment of tax required herein the Department of Revenue shall estimate the tax due from such producer and subject to audit and approval by the Department of the Auditor-General shall settle the amount due for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the Department with the approval of the Department of the Auditor-General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Section 1005 Enforcement Rules and Regulations Inquisitorial Powers of the Department

(a) The Department of Revenue is hereby charged with the enforcement of the provisions of this Article and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this Article relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Article and the collection of taxes penalties and interest imposed therein

(b) The Department of Revenue or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any producer in order to verify the accuracy of any report made or if no report was made by such producer to ascertain and settle the tax imposed herein Every such producer is hereby directed and required to give to the Department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the Department of Revenue as the result of any returns investigations or verifications required to be made herein shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the Court

(c) Whenever any person acting for or on behalf of the Department of Revenue shall in good faith institute legal proceedings for any violations of the provisions of this Article and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this Article upon the Department of Revenue relating to the administration and enforcement of this Article shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the Department of Revenue by law

Section 1006 Retention of Records by Producers Penalty Each corporation shall maintain and keep for a period of three years after any report is filed hereunder such record or records of its business within this Commonwealth for the period covered by such report and such other pertinent papers as may be required by the Department

Any person violating any provisions of this Section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to

undergo imprisonment of not more than six (6) months or both in the discretion of the Court

Section 1007 Penalties

(a) Any person who shall wilfully make a false return or report under this Article shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalties shall be in addition to any other penalties imposed by this Act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax herein prescribed or who shall refuse to permit the Department to examine the books papers and records of any producer liable to pay tax under this Article shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the Court Such penalties shall be in addition to any other penalties imposed by this Act

ARTICLE XI

Commission Procedural Powers and Provisions

Section 1101 Official Seal Evidence The Commission shall for the authentication of its records process and proceedings adopt keep and use a common seal of which judicial notice shall be taken in all courts of this Commonwealth and any process writ notice or other document which the Commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the Commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the Commission and all reports and documents filed with the Commission may be proved in any court of this Commonwealth by a copy thereof certified to by the chairman or secretary of the Commission with the seal of the Commission attached

Section 1102 Hearings The Commission may hold hearings at Harrisburg or elsewhere as it may determine and any hearing which the Commission has power to undertake or hold may be undertaken or held by or before any one or two of the commissioners when the Commission enters an appropriate order to that effect but no order of the Commission shall become effective until approved by at least a quorum of the Commission

Section 1103 Subpoenas Oaths The Commission or any Commissioner so authorized shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production for inspection of pertinent books papers and records for examination to issue commissions letters rogatory or other appropriate processes within or outside the Commonwealth and to administer oaths and affirmations Witnesses shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County

Section 1104 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify may be punished for contempt of court The Court of Common Pleas within the territorial jurisdiction of which the offense was committed is hereby given jurisdiction to hear and adjudge applications of the Commission to punish for such contempts

Section 1105 Posting of Rules and Regulations All rules and regulations of the Commission shall be posted for public inspection in the main office of the Commission at least six days before they shall become effective and shall be given further publicity by mailing to producers and licensees and by advertisement or announcement in a newspaper or otherwise as the Commission shall deem advisable

Section 1106 Service of Notices Orders and Other Process Any orders complaints process writs notices or other documents which the Commission is required or permitted to serve under the provisions of this Act may be served (1) in the manner now or hereafter established by law for service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state and (d) in the case of any licensee or applicant for license under this Act to the principal office designated in such person's application for license The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 1107 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission as to the manner in which a general rule regulation process subpoena or order was served posted or publicized and as to the fact of such service posting or publicizing shall be prima facie evidence of the facts so certified

Section 1108 Privilege and Immunity No person shall be excused from testifying or from producing any book document paper or account in any investigation or inquiry by or hearing before the Commission or its representative when ordered to do so upon the ground that the testimony or evidence book document paper or account required may tend to incriminate him or subject him to penalty or forfeiture but no person shall be prosecuted punished or subjected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence Provided That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony

ARTICLE XII

Proceedings Before the Commission

Section 1201 Complaints The Commission or any person having an interest in the subject matter may file a written complaint in form as prescribed by the Commission alleging a violation of this Act The Commission shall thereupon cause a copy thereof to be served upon the person charged together with a notice calling upon such person to answer the charge in writing within such reasonable time as may be specified by the Commission in such notice

The Commission may dismiss any complaint without a hearing if in its opinion a hearing is not necessary in the public interest If a hearing is required the Commission shall serve reasonable notice of time and place thereof upon all parties in interest

Section 1202 Hearing to be Public Record of Proceedings All hearings before the Commission shall be public and in accordance with the regulations of the Commission and persons charged on complaint shall be entitled to be heard in person or by attorney and to introduce evidence All testimony shall be taken down by a reporter appointed by the Commission and a full and complete record of the testimony and proceedings shall be preserved

Section 1203 Findings After the conclusion of hearings upon any complaint the Commission shall make and file appropriate findings and enter its order thereon A copy of such findings and order shall be served upon the person or persons against whom it runs or their attorneys and notice thereof shall be given to all other parties participating in the proceedings or their attorneys Such order shall take effect and become operative as designated therein and unless otherwise specified shall continue in force until further order of the Commission

Section 1204 Re-hearing Within ten (10) days after service of findings and order as provided in this Article the aggrieved party may apply for and thereafter the Commission in its discretion may grant or deny a re-hearing After a re-hearing the Commission may affirm modify or rescind its original order Proceedings for or on a re-hearing shall not operate as a stay or supersedeas except by express order of the Commission

Section 1205 Modification and Rescission of Orders The Commission may at any time after notice and opportunity to be heard as provided in the case of complaints modify or rescind any order made by it

ARTICLE XIII

Appeals and Review

Section 1301 Appeals from General Orders Relating to Percentage Assignments and Standards of Preparation Any person aggrieved by any order of the Commission under Articles VI and VII of this Act fixing percentage assignments or standards of preparation upon which order a motion for re-hearing must be made pursuant to Article VIII hereof as a prerequisite of an appeal therefrom may within twenty (20) days after the service of an order denying such motion for re-hearing or of an order affirming modifying or rescinding the original order file an appeal therefrom with the Superior Court Such appeal shall be governed by the provisions of law applicable to appeals in the Superior Court except as otherwise provided in this Act and shall be expedited in every reasonable manner No such appeal shall be permitted to act as a supersedas or stay except on special order of the court

Section 1302 Appeals from Other General Orders Rules and Regulations Any person subject to the provisions of this Act aggrieved by any general rule regulation or order of the Commission not specifically covered by Section 1301 of this Article may within twenty (20) days after the service of such rule regulation or order file an appeal therefrom with the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 1303 Appeals from Special Orders Any person subject to the provisions of this Act aggrieved by any order of the Commission in which the Commission refuses to issue or reissue or revokes or suspends a license under any provisions of this Act or by any other rule regulation or order of the Commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after service of such order file an appeal therefrom in the Court of Common Pleas of Dauphin County unless the Commission consents to the filing and hearing of such appeal in the Court of Common Pleas of the county in which such aggrieved person resides or has his principal place of business No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 1304 Supersedeas A special order of court permitting an appeal to act as a supersedeas may be made only after reasonable notice to the Commission and shall provided that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court to be necessary for the protection of producers and other interested parties during the pendency of the appeal

Section 1305 Pleading and Service The appeal provided by this Article from any rule regulation or order of the Commission shall be by verified petition against the Commission as defendant alleging the findings and rule regulation or order complained of and an assignment of errors and praying for a reversal thereof in whole or in part Only points covered by the assignment of errors shall be considered by the court Upon service of such notice of appeal upon the Commission returnable not less than ten (10) days from the date of service the Commission shall on or before the return day file an answer or a motion to dismiss the appeal If such a motion is made and denied the Commission shall file an answer not less than ten (10) days after the entry by the court of an order denying the motion The answer shall deny or admit the allegations of fact in the petition and set forth any other grounds of defense Upon the filing of an answer by the Commission the case shall be at issue without further pleadings and upon application of either party shall be advanced and heard without further delay

Section 1306 Certification of Record Scope of Inquiry (a) The Commission shall on the return day of such notice of appeal or within a reasonable time thereafter certify to the court the full and complete record of the proceeding to which the petition refers including all testimony taken therein the findings of fact of the Commission a copy of all orders made by the Commission in the proceeding and all other documents which are a part of the proceeding or the evidence

(b) In an appeal from an order of the Commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the Commission and no additional testimony shall be taken before the court In an appeal from any general order of the Commission the court in its discretion may take additional testimony

(c) Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the Commission is unreasonable or illegal in any appeal the court in its discretion may remit the record to the Commission for additional testimony or proceedings

Section 1307 Costs The court shall have full power in its discretion to impose costs upon the losing party or to apportion costs between the parties

Section 1308 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal under Section 1302 and 1303 of this Article an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law and from the decision of that court an appeal in any such case may be taken to the Supreme Court but only upon permission granted by the Supreme Court From the decision of the Superior Court upon any appeal under Section 1301 of this Article an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

Section 1309 Effect of Commission Action Whenever the Commission shall make any rule regulation finding or order under the provisions of this Act the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby unless set aside annulled or modified in an appeal taken pursuant to this Act

ARTICLE XIV

Penalties and Remedies

Section 1401 Operating Without a License Penalty Any person operating a breaker or washery without a license under this Act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than Five Hundred Dollars ($500) nor more than One Thousand Dollars ($1,000) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the Court

Section 1402 Actions to Enforce Compliance The Commission or any person affected by the rules regulations or orders of the Commission may institute such actions at law or in equity as may appear appropriate to enforce compliance with any provisions of this Act or any rule regulation or order of the Commission The Commission shall not be required to file any bond in any action under this Act

The Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such actions by the Commission regardless of where they may arise in the Commonwealth

Section 1403 Perjury Any person who shall wilfully make a false oath or affirmation before the Commission or its representative at any investigation or hearing or in any report or statement authorized or required by this Act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as prescribed by law

Section 1404 Penalties and Remedies Concurrent The penalties and remedies prescribed in this Act shall be deemed concurrent and cumulative and not exclusive and resort to any one shall not impair the right to resort to any other

Section 1405 Right to Intervene Any producer may intervene in any judicial or administrative proceeding where the construction application or validity of this Act is involved

ARTICLE XV

Funds and Expenses of Commission

Section 1501 Anthracite Control and Promotion Fund All monies collected or received by the Commission arising from license fees or any other source shall be paid by

the Commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Anthracite Control and Promotion Fund" Fines imposed under this Act shall be payable to and collected by the Commission and similarly placed in the Anthracite Control and Promotion Fund All revenues received recovered or collected by the Department of Revenue as a result of the levying of the anthracite tonnage tax pursuant to Article X of this Act shall also be placed in said fund

Section 1502 Expenditures and Appropriations (a) As much of the money from time to time in the Anthracite Control and Promotion Fund as may be necessary is hereby specifically appropriated to the Pennsylvania Anthracite Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the Commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capitol city occupied by the Commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the Commission

(4) Premiums for surety bonds for such officers or employes of the Commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the Commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the Commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the Commission

(6) Furniture stationery postage materials supplies and all other overhead expenses of the Commission

(7) All other expenses of every kind and description necessary for the performance by the Commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent (b) There is also hereby specifically appropriated to the Department of Revenue as much of the money from time to time in the Anthracite Control and Promotion Fund as may be necessary to pay all expenses of every kind and description for the performance by that Department of its duties under Article X of this Act

(c) The remainder of the money in the Anthracite Control and Promotion Fund from time to time which is not required for administrative expenses is hereby appropriated to the Commission to promote the sale of anthracite to aid in the discovery of new uses for anthracite and in the invention development and sale of anthracite-using equipment and to make expenditures for such purposes through contracts and agreements with promotional organizations and research laboratories such as that maintained by Anthracite Industries Inc and with educational or endowed institutions in this Commonwealth In the expenditure of such funds the Commission shall give consideration to any recommendations of the Board regarding the character of such activities and expenditures

Section 1503 Approval of Governor Estimates of the amounts to be expended under this Act by the Pennsylvania Anthracite Commission either by itself or through the Department of Properties and Supplies as purchasing agent for administration expenses or by the Department of Revenue in the performance of its duties under Article X of this Act or by the Board of Finance and Revenue in the payment or claims for refund or to be expended by the Commission as herein provided for the promotion of the sale of anthracite and the development of anthracite burning devices and new and additional uses for anthracite shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any monies out of his appropriation by the Commission or by the Department of Properties and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasurer for the amounts specified in such requisitions not exceeding however the amount in the Anthracite Control and Promotion Fund at the time of the making of any such requisition

Section 1504 Refunds As much of the money from time to time in the Anthracite Control and Promotion Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for monies hereafter paid into the Anthracite Control and Promotion Fund to which the Commonwealth is not rightfully entitled

Section 1505 Miscellaneous Fees The Commission shall charge and collect fees (in addition to fees elsewhere in this Act provided) for the following

For copies of papers testimony and records the fee shall be twenty ($.20) cents per page

For certifying a copy of any paper or testimony Two ($2.00) Dollars

For certifying a copy of a record for proceedings upon appeal five $5.00 dollars in appeals from special orders and ten $10.00 dollars in appeals from general orders

Section 1506 Temporary Appropriation The sum of three hundred thousand ($300,000) Dollars or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Commission for payment into the "Anthracite Control and Promotion Fund" for the use of the Commission in administering the provisions of this Act and is hereby appropriated for the same purposes for which the monies in said fund are appropriated by this Act Whenever in the opinion of the Commission the funds available in the Anthracite Control and Promotion Fund are sufficient to carry out the purposes of the Commission under this Act and also to repay said three hundred thousand ($300,000) Dollars to the General Fund then the Commission with the approval of the Governor shall draw a requisition for the transfer of the sum of three hundred thousand ($300,000) Dollars from the Anthracite Control and Promotion Fund to the General Fund and the monies or as much thereof as may be necessary in the former fund are hereby appropriated for this purpose

ARTICLE XVI

Savings Provisions Repeals and Effective Date

Section 1601 Severability It is hereby declared to be the legislative intent that if any part sentence or clause of this Act is held to be unconstitutional the remaining provisions of the Act would have been enacted even if such unconstitutional provisions had been omitted and shall therefore be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 1602 Repeal All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed

Section 1603 Effective Date This Act shall become effective immediately upon its final enactment and shall terminate and expire on March 31st 1943 except that the powers of the Department of Revenue under Article X of this Act shall continue after said date as long as may be necessary for the purpose of collecting the tonnage tax assessed under that Article up to and including said date

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to call to the attention of the House certain printing errors, particularly on page sixteen.

The SPEAKER. Does the gentleman from York, Mr. Cohen, desire to discuss the bill before it has been read.

Mr. HERBERT B. COHEN. Mr. Speaker, I ask that this

bill be passed over until the apparent errors in printing are corrected.

Mr. KANE. Mr. Speaker and members of the House, the gentleman from York is unaware of the fact that under the agreement by which the bill passed second reading before being re-committed, it was perfectly in order for him to offer amendments if he cared to correct any errors. If he knows of any it is his duty to offer such amendments, and I will certainly have no objection to them.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, under those circumstances, I request that this bill be passed over until I prepare amendments that will correct the apparent printing errors on page sixteen of the bill, lines 19 to 25, where it appears that the printer has failed to put in brackets which would effect the deletion of lines 19 to 25.

The SPEAKER PRO TEMPORE. Does the gentleman from McKean, Mr. Kane, object to the bill's geing passed over in its order?

Mr. KANE. Mr. Speaker, I don't think it would take very long to prepare such amendments and I agree that the bill be passed over temporarily, if the gentleman from York, Mr. Cohen, will agree to prepare such amendments and offer them.

Mr. Speaker and members of the House, this bill is not a partisan proposition, and in view of the fact that the gentleman has discovered errors in printing which should be corrected, I wonder whether I might inquire of him at this time if he knows of any others, and if so whether he will not call them to my attention so that they may be corrected at the same time?

Mr. HERBERT B. COHEN. Mr. Speaker, I haven't read the bill very studiously but on page thirteen, line fifteen, there is an error in spelling. The word "During" being spelled "Durin".

The SPEAKER PRO TEMPORE. The Chair suggests that the gentlemen confer and discuss the amendments on which they can agree.

Mr. HERBERT B. COHEN. Mr. Speaker, that is quite satisfactory to me.

The SPEAKER PRO TEMPORE. The bill will be passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1299, entitled:

An Act to amend section one of the act approved the twenty-eighth day of June, one thousand nine hundred and seventeen, (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties," as amended; excluding from the provisions of said act all limited partnerships and members thereof for which a certificate is filed in the office of the recorder of deeds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Donahue,	Lovett,	Schrock,
Ackermann,	Downey,	Lyons,	Schrope,
Allen,	Ely,	Madden,	Schwab,
Alspach,	Ewing,	Malloy,	Seif,
Andrews,	Falkenstein,	Marr,	Serrill,
Atkins,	Fauset,	Matthews,	Shaw,
Auker,	Finnerty,	McClester,	Shearer,
Baker,	Fisher,	McGarrity,	Simon,
Balliet,	Fiss,	McKinney,	Sloan,
Balthaser,	Fleming,	McLane,	Snyder,
Bardes,	Foor,	McNally,	Sollenberger,
Bennett,	Freed,	McVay,	Stank,
Bohn,	Fullerton,	Melchiorre,	Stewart,
Boies,	Furman,	Montgomery,	Stockham,
Boney,	Gates,	Mooney,	Sweeney,
Boorse,	Gillan,	Moran,	Tahl,
Boose,	Gillette,	Moser, F. S.,	Tarr,
Bower,	Goll,	Moser, J. L.,	Taylor,
Boyd,	Habbyshaw,	Muir,	Terry,
Brancato,	Haines,	Munley,	Thistle,
Bretherick,	Hall,	O'Brien,	Thompson, E. F.,
Broad,	Harbeson,	O'Connor,	Thompson, G.R.,
Bronson,	Harkins,	O'Dare,	Tiemann,
Brown, H. S.,	Henry,	O'Keefe,	Tronzo,
Brown, S. W.,	Hess,	Ominsky,	Trout,
Brunner,	Hewitt,	O'Neill,	Van Allsburg,
Burns,	Hindman,	Peale,	Van Belle,
Burris,	Hocke,	Powers,	Voorhees,
Cadwalader,	Hoffman, J. N.,	Preston,	Wagner,
Calvin,	Holland,	Readinger,	Walsh,
Carpenter,	Hoyt,	Reagan,	Watkins,
Check,	Huntley,	Reese, D. P.,	Weiss,
Chervenak,	Imbrie,	Reese, R. E.,	Welsh, E. B.,
Christler,	James,	Regan,	Welsh, M. J.,
Clark,	Johnston,	Reynolds,	Westrick,
Clearwater,	Jones,	Rhodes,	Wilkinson,
Cohen, H. B.,	Keenan,	Rider,	Williams,
Cook,	Kenehan,	Riley,	Wilson,
Cooper,	Kilroy,	Robertson,	Winner,
Cordier,	Kline,	Rooney,	Wood, H. M.,
Cortese,	Knoble,	Rose,	Wood, L. H.,
Curran,	Kowalski,	Roseberry,	Wood, N.,
Dalrymple,	Krise,	Rothenberger,	Woodside,
Denman,	Lee,	Royer,	Yeakel,
DeNote,	Leisey,	Sarraf,	Turner,
Dick,	Leydic,	Scanlon,	Speaker.
Dix,	Lichtenwalter,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1071, entitled:

An Act to amend sections one thousand two hundred four and two thousand five and to repeal section two thousand six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions

shall be determined" transferring certain functions of the Department of Highways to the Department of Internal Affairs.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1296, entitled:

An Act to amend Sections 518 532 and 541 Section 802 as amended Sections 1112 1156 1160 1170 and Subdivision (d) of Article 13 and Sections 1401 and 1525 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entiled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" transferring certain functions relating to the affairs of such townships heretofore performed by the Department of Highways to the Department of Internal Affairs

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 385, entitled:

An Act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Downey,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Lovett,	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Finnerty,	Marr,	Serrill,
Auker,	Fisher,	Matthews,	Shaw,
Baker,	Fiss,	McClester,	Shearer,
Balliet,	Fleming,	McGarrity,	Simons,
Balthaser,	Foor,	McKinney,	Sloan,
Bardes,	Freed,	McLane,	Snyder,
Bennett,	Fullerton,	McNally,	Sollenberger,
Bohn,	Furman,	McVay,	Stambaugh,
Boies,	Gates,	Melchiorre,	Stank,
Boney,	Gillan,	Mihm,	Stewart,
Boorse,	Gillette,	Montgomery,	Stockham,
Boose,	Goll,	Mooney,	Sweeney,
Bower,	Gorski,	Moran,	Tahl,
Boyd,	Habbyshaw,	Moser, F. S.,	Tarr
Brancato,	Haines,	Moser, J. L.,	Taylor,
Bretherick,	Hall,	Muir,	Terry,
Broad,	Hamilton,	Munley,	Thistle,
Bronson,	Harbeson,	O'Brien,	Thompson, E. F.,
Brown, H. S.,	Harkins,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Haudenshield,	O'Dare,	Tiemann,
Brunner,	Henry,	O'Keefe,	Tronzo,
Burns,	Hess,	Ominsky,	Trout,
Burris,	Hewitt,	O'Neill,	VanAllsburg,
Cadwalader,	Hindman,	Peale,	Van Belle,
Calvin,	Hocke,	Powers,	Voorhees,
Carpenter,	Hoffman, J. N.,	Preston,	Wagner,
Check,	Hoffman, S. K.,	Readinger,	Walsh,
Chervenak,	Holland,	Reagan,	Watkins,
Christler,	Hoyt,	Reese, D. P.,	Webster,
Clark,	Huntley,	Reese, R. E.,	Weiss,
Clearwater,	Imbrie,	Regan,	Welsh, E. B.,
Cohen, H. B.,	James,	Reynolds,	Welsh, M. J.,
Cook,	Johnston,	Rhodes,	Westrick,
Cooper,	Jones,	Rider,	Wilkinson,
Cordier,	Kane,	Riley,	Williams,
Corrigan,	Keenan,	Robertson,	Wilson,
Cortese,	Kenehan,	Rooney,	Winner,
Curran,	Kline,	Rose,	Wood, H. M.,
Dalrymple,	Knoble,	Roseberry,	Wood, L. H.,
Denman,	Kowalski,	Rosenfeld,	Wood, N.,
DeNote,	Krise,	Rothenberger,	Woodside,
Dick,	Lee,	Royer,	Yeakel,
Dix,	Leisey,	Sarge,	Turner,
Donahue,	Leydic,	Sarraf,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. REYNOLDS filed the following reasons for his vote:

I wish to be recorded as voting "yes" on this bill, because I believe it is a short step in the right direction. I do not believe much good can be obtained by this commission with such a small appropriation. However, if this is all the administration is willing to allow to help better conditions among the Negro population, I shall vote for the same. With the hope some good will be done. Fifty thousand dollars ($50,000) is needed.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1450, entitled:

An Act to amend sections one and two of the act approved the eighteenth day of April,one thousand nine hundred and thirty-five, (P. L. 48), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumsances," by requiring employers to disclose information concerning wages of applicants or recipients of public assistance.

On the question,

Will the House agree to the bill on third reading?

Mr. VAN ALLSBURG. Mr. Speaker, owing to the fact that I was unable to be present when this bill was passed on second reading, I desire to ask consent of the House to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 1), page 2, line 19, by striking out with heavy-face brackets the light-face bracket before the word "within" and after the word "year."

Amend Sec. 1 (Sec. 2), page 3, line 9, by inserting after the word "which" the following: "willfully".

Amend Sec. 1 (Sec. 2), page 3, line 10, by inserting after the word "which" the following: "willfully".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 657, Printer's No. 677, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1448, entitled:

An Act to amend sections one hundred two, four hundred three, and five hundred one, and subsection (c) of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by defining "Public Charge"; and providing for loss of settlement under certain circumstances.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Lovett	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Finnerty,	Marr,	Serrill,
Auker,	Fisher,	Matthews,	Shaw,
Baker,	Fiss,	McClester,	Shearer,
Balliet,	Fleming,	McGarrity,	Simons,
Balthaser,	Foor,	McKinney,	Skale,
Bardes,	Freed,	McLane,	Sloan,
Bennett,	Fullerton,	McNally,	Snyder,
Bohn,	Furman,	McVay,	Sollenberger,
Boles,	Gates,	Melchiorre,	Stambaugh,
Boney,	Gillan,	Mihm,	Stank,
Boorse,	Gillette,	Montgomery,	Stewart,
Boose,	Goll,	Mooney,	Stockham,
Bower,	Gorski,	Moser, F. S.,	Sweeney,
Boyd,	Habbyshaw,	Moser, J. L.,	Tahl,
Brancato,	Haines,	Muir,	Tarr,
Bretherick,	Hall,	Munley,	Taylor,
Broad,	Hamilton,	O'Brien,	Terry,
Bronson,	Harbeson,	O'Connor,	Thistle,
Brown, H. S.,	Harkins,	O'Dare,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Keefe,	Thompson, G. R.,
Brunner,	Henry,	Ominsky,	Tiemann,
Burns,	Hess,	O'Neill,	Tronzo,
Burris,	Hewitt,	Peacock,	Trout,
Cadwalader,	Hindman,	Peale,	VanAllsburg,
Calvin,	Hocke,	Powers,	Van Belle,
Carpenter,	Hoffman, J. N.,	Preston,	Voorhees,
Check,	Hoffman, S. K.,	Readinger,	Wagner,
Chervenak,	Holland,	Reagan,	Walsh,
Christler,	Hoyt,	Reese, D. P.,	Watkins,
Clark,	Huntley,	Reese, R. E.,	Webster,
Clearwater,	Imbrie,	Regan,	Weiss,
Cohen, H. B.,	James,	Reynolds,	Welsh, E. B.,
Cook,	Johnston,	Rhodes,	Welsh, M. J.,
Cooper,	Jones,	Rider,	Westrick,
Cordier,	Kane,	Riley,	Wilkinson,
Corrigan,	Keenan,	Robertson,	Williams,
Cortese,	Kenehan,	Rooney	Wilson,
Curran,	Kline,	Rose,	Winner,
Dalrymple,	Knoble,	Roseberry,	Wood, H. M.,
Denman,	Kowalski,	Rosenfeld,	Wood, L. H.,
DeNote,	Krise,	Rothenberger,	Wood, N.,
Dick,	Lee,	Royer,	Woodside,
Dix,	Leisey,	Sarge,	Yeakel,
Donahue,	Leydic,	Sarraf,	Turner,
			Speaker.

NAYS—1

Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1445, entitled:

An Act to amend subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by exempting certain property from execution in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Ely,	Lovett,	Scanlon,
Ackermann,	Ewing,	Lyons,	Schrock,
Allen,	Falkenstein,	Madden,	Schrope,
Alspach,	Fauset,	Malloy,	Schwab,
Andrews,	Finnerty,	Marr,	Seif,

Atkins,	Fisher,	Matthews,	Serrill,
Auker,	Fiss,	McClester,	Shaw,
Baker,	Fleming,	McGarrity,	Shearer,
Balliet,	Foor,	McKinney,	Simons,
Balthaser,	Freed,	McLane,	Skale,
Bardes,	Fullerton,	McNally,	Sloan,
Bennett,	Furman,	McVay,	Snyder,
Bohn,	Gates,	Melchiorre,	Sollenberger.
Boles,	Gillan,	Mihm,	Stambaugh.
Boney,	Gillette,	Montgomery,	Stank,
Boorse,	Goll,	Mooney,	Stewart,
Boose,	Gorski,	Moran,	Stockham,
Bower,	Habbyshaw,	Moser, F. S.,	Sweeney,
Boyd,	Haines,	Moser, J. L.	Tahl,
Brancato.	Hall,	Muir,	Tarr,
Bretherick,	Hamilton,	Munley,	Taylor,
Broad,	Harbeson,	O'Brien,	Terry,
Bronson,	Harkins,	O'Connor,	Thistle,
Brown, H. S.,	Haudenshield,	O'Dare,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Keefe,	Thompson, G. R.,
Brunner,	Hess,	Ominsky,	Tiemann,
Burns,	Hewitt,	O'Neill,	Tronzo,
Burris,	Hindman,	Peacock,	Trout,
Cadwalader,	Hocke,	Peale,	VanAllsburg,
Calvin,	Hoffman, J. N.,	Powers,	Van Belle,
Carpenter,	Hoffman, S. K.,	Preston,	Voorhees,
Check,	Holland,	Readinger,	Wagner,
Chervenak,	Hoyt,	Reagan,	Walsh,
Christler,	Huntley,	Reese, D. P.,	Watkins,
Clark,	Imbrie,	Reese, R. E.,	Webster,
Clearwater,	James,	Regan,	Weiss,
Cohen, H. B.,	Johnston,	Reynolds,	Welsh, E. B.,
Cook,	Jones,	Rhodes,	Welsh, M. J.,
Cooper,	Kane,	Rider,	Westrick,
Cordier,	Keenan,	Riley,	Wilkinson,
Corrigan,	Kenehan,	Robertson,	Williams,
Cortese,	Kline,	Rooney,	Wilson,
Curran,	Knoble,	Rose,	Winner,
Dalrymple,	Kowalski,	Roseberry,	Wood, H. M.,
Denman,	Krise,	Rosenfeld,	Wood, L. H.,
DeNote,	Lee,	Rothenberger,	Wood, N.,
Dick,	Leisey,	Royer,	Woodside,
Dix,	Leydic,	Sarge,	Yeakel,
Donahue,	Lichtenwalter,	Sarraf,	Turner,
Downey,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1309, entitled:

An Act to further amend section one thousand two hundred seven of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by requiring magistrates to report to local authorities fines and penalties collected and providing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. VAN ALLSBURG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (Sec. 1207), page 4, line 22, by inserting after the word "made" the following: "in duplicate."

Amend sec. 1 (Sec. 1207), page 4, line 24, by striking out with light-faced brackets the words "to the secretary."

Amend sec. 1 (Sec. 1207), page 4, line 25, by striking out with light-faced brackets the word "such" and insert in lieu thereof "One copy of such report shall be forwarded by such magistrate or other officer to the Secretary, and the duplicate copy shall be forwarded to the authorities of the proper township, borough, incorporated town or city. Such"

Amend sec. 1 (Sec. 1207), page 4, line 25, by inserting after the word 'made" the following: "and forwarded."

Amend sec. 1 (Sec. 1207), page 4, lines 26, 27 and 28, by striking out with heavy-faced brackets the part-word "Magis-" in line 26, and all of lines 27 and 28

Amend sec. 1 (Sec. 1207), page 5, lines 1 and 2, by striking out with heavy-faced brackets all of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1408, Printer's No. 714 was passed over at the request of Mr. GATES.

The SPEAKER. Senate Bill No. 462, (House Bill No. 1435) is not on file and will be passed over.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 252, entitled:

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. STOCKHAM. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 1411, Printer's No. 724 was passed over at the request of Mr. OMINSKY.

The SPEAKER. House Bills Nos. 496, 853, 855 and 854 are not on file and will be passed over.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

State Government during the recess in Room 333.
Labor immediately after recess in Room 541.
Judiciary Special immediately after recess in Room 333.
Banking immediately after recess in Room 323.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 12 o'clock noon, Eastern Standard Time. Are these objections The Chair hears none and declares a recess until 12 o'clock noon.

AFTER RECESS

The House reconvened at 12 noon.
The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGES

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 433.

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contributions

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 15, by inserting after the word "townships" the words "or other"; also in line 22, by inserting after the word "such" the words "donations or"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ely,	Lovett,	Scanlon,
Ackermann,	Ewing,	Lyons,	Schrock,
Allen,	Falkenstein,	Madden,	Schrope,
Alspach,	Fauset,	Malloy,	Schwab,
Andrews,	Finnerty,	Malone,	Seif,
Atkins,	Fisher,	Marr,	Serrill,
Auker,	Fiss,	Matthews,	Shaw,
Baker,	Fleming,	McClester,	Shearer,
Balliet,	Foor,	McGarrity,	Simons,
Balthaser,	Freed,	McKinney,	Skale,
Bardes,	Fullerton,	McLane,	Sloan,
Bennett,	Furman,	McNally,	Snyder,
Bohn,	Gates,	McVay,	Sollenberger,
Boies,	Gillan,	Melchiorre,	Stambaugh,
Boney,	Gillette,	Mihm,	Stank,
Boorse,	Goll,	Montgomery,	Stewart,
Boose,	Gorski,	Mooney,	Stockham,
Bower,	Habbyshaw,	Moran,	Sweeney,
Boyd,	Haines,	Moser, F. S.,	Tahl,
Brancato,	Hall,	Moser, J. L.,	Tarr,
Bretherick,	Hamilton,	Muir,	Taylor,
Broad,	Harbeson,	Munley,	Terry,
Bronson,	Harkins,	O'Brien,	Thistle,
Brown, H. S.,	Haudenshield,	O'Connor,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Dare,	Thompson, G. R.,
Brunner,	Hess,	O'Keefe,	Tiemann,
Burns,	Hewitt,	Ominsky,	Tronzo,
Burris,	Hindman,	O'Neill,	Trout,
Cadwalader,	Hocke,	Peacock,	VanAllsburg,
Calvin,	Hoffman, J. N.,	Peale,	Van Belle,
Carpenter,	Hoffman, S. K.,	Powers,	Voorhees,
Check,	Holland,	Preston,	Wagner,
Chervenak,	Hoyt,	Readinger,	Walsh,
Christler,	Huntley,	Reagan,	Watkins,
Clark,	Imbrie,	Reese, D. P.,	Webster,
Clearwater,	James,	Reese, R. E.,	Weiss,
Cohen, H. B.,	Johnston,	Regan,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Reynolds,	Welsh, M. J.,
Cook,	Kane,	Rhodes,	Westrick,
Cooper,	Keenan,	Rider,	Wilkinson,
Cordier,	Kenehan,	Riley,	Williams,
Corrigan,	Kilroy,	Robertson,	Wilson,
Cortese,	Kline,	Rooney,	Winner,
Curran,	Knoble,	Rose,	Wood, H. M.,
Dalrymple,	Kowalski,	Roseberry,	Wood, L. H.,
Denman,	Krise,	Rosenfeld,	Wood, N.,
DeNote,	Lee,	Rothenberger,	Woodside,
Dick,	Leisey,	Royer,	Yeakel,
Dix,	Leydic,	Sarge,	Turner,
Donahue,	Lichtenwalter,	Sarraf,	Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 474.

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefore granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 27, by striking out the word "his" and inserting in lieu thereof the word "their"; also page 4, by striking out all of lines 3 to 7 inclusive as follows: "In the case of each appointed member now serving where the term of office of the officer who appointed him has already expired the term of office of such appointed member is hereby terminated as of the effective date of these amendments"; also same page, by inserting after line 7 the following new section:

"Section 2 In the case of each appointed member now serving where the term of office of the officer who appointed him has already expired the term of office of such appointed member shall expire and is hereby terminated as of the first day of June one thousand nine hundred thirty-nine"

Amend Section 2, page 4, line 8, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "3"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Boose,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	Van Allsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clark,	Hocke,	Peale,	Wagner,
Clearwater,	Hoffman, J. N.,	Reagan	Watkins,
Cook,	Hoyt,	Reese, D. P.,	Webster,
Cooper,	Huntley,	Rhodes,	Wilkinson,
Cordier,	Imbrie,	Riley,	Wilson,
Cortese,	James,	Robertson,	Winner,
Curran,	Johnston,	Rose,	Wood, H. M.,
Dalrymple,	Jones,	Roseberry,	Wood, L. H.,
Denman,	Kane,	Royer,	Wood, N.,
Dick	Kline,	Sarge,	Woodside,
Dix,	Knoble,	Schrock,	Yeakel,
Donahue,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

NAYS—73

Achterman,	Falkenstein,	McLane,	Rooney,
Allen,	Fauset,	Melchiorre,	Rothenberger,
Andrews,	Finnerty,	Mihm,	Sarraf,
Baker,	Furman,	Mooney,	Scanlon,
Balthaser,	Gorski,	Moran,	Schrope,
Bohn,	Harkins,	Munley,	Schwab,
Boles,	Hess,	O'Brien,	Shaw,
Boney,	Hindman,	O'Connor,	Skale,
Brancato,	Hoffman, S. K.,	O'Keefe,	Stank,
Broad,	Holland,	Ominsky,	Tarr,
Brown, H. S.,	Keenan,	O'Neill,	Thompson, E. F.,
Burns,	Kenehan,	Powers,	Tronzo,
Burris,	Kilroy,	Preston,	Walsh,
Check,	Levy,	Readinger,	Weiss,
Chervenak,	Long,	Reese, R. E.,	Welsh, E. B.,
Cohen, H. B.,	Lovett,	Regan,	Welsh, M. J.,
Corrigan,	Malloy,	Reynolds,	Westrick,
DeNote,	Malone,	Rider,	Williams,
Downey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1361.

An Act to amend clause (10) of section 3 sections 5 and 6 paragraphs (2) (3) (4) (6) and (11) of section 8 sections 9 and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" by changing the vote necessary for the establishment of districts the making of regulations and the dissolution of districts and requiring voters to be land owners

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

Th SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 8, line 19, by inserting a light-faced bracket before the word "votes"; also same page, line 20, by inserting a light-faced bracket after the words "creation of"; also same line by inserting after the word "of" and before the word "the" the words "landowners in"; also same page, at the beginning of line 21, by inserting a light-faced bracket before the word "shall"; also same line by inserting a light-faced bracket after the word "cast"; also same line by inserting after the word "cast" the word "vote"; also same page, line 22, by inserting after the word "district" the words "in the referendum to create a district"; also page 10, line 10, by inserting a light-faced bracket before the word "votes"; also same line, by inserting a light-faced bracket after the word "cast"; also same line, by inserting after the word "cast" the words "landowners in the district"; also page 17, line 6, by inserting a light-faced bracket before the word "votes"; also same line, by inserting a light-faced bracket after the word "cast"; also same line, by inserting after the word "cast" the word "landowners"; also same page, line 7, by inserting a light-faced bracket before the word "been"; also same line, by inserting a light-faced bracket after the word "cast"; also same line, by inserting after the word "cast" the word "voted"; also page 25, line 2, by inserting a light-faced bracket before the word "votes"; also same line, by inserting a light-faced bracket after the word "cast"; also same line, by inserting after the word "cast" the word "landowners"; also same page, line 3, by inserting a light-faced bracket before the word "been"; also same page, by inserting a light-faced bracket after the word "cast"; also same line by inserting after the word "cast" the word "voted"

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. WOODSIDE. Mr. Speaker, I move that the message

from the Senate together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 374

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 374, Printer's No. 615, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. COOPER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. ALSPACH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Cooper vote on the final passage of this bill?

Mr. COOPER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lancaster, Mr. Alspach vote on the final passage of this bill?

Mr. ALSPACH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. COOPER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. COOPER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by striking out at the end of the line the following: "[and section forty]".

Amend page 1, line 2 of the title, by striking out at the beginning of the line the following: "[of article four]".

Amend page 2, line 10 of the title, by striking out at the end of the line the following: "[and providing for the repayment of taxes paid]".

Amend page 2 by striking out line 11 of the title.

Amend section 1, page 2, line 1 by striking out at the end of the line the following: "[and section]".

Amend section 1, page 2, line 2 by striking out at the beginning of the line the following: "[forty of article four]".

Amend section 1, page 3, line 2 by striking out at the end of the line the word: "[are]" and inserting in lieu thereof the word: "is".

Amend section 1, page 4, by striking out, with boldface brackets, lines 16 to 29, inclusive.

Amend section 1, page 5, by striking out with boldface brackets, lines 1 to 12, inclusive.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 702, Senate Bill No. 134, Printer's No. 195; House Bill No. 1362, Senate Bill No. 135, Printer's No. 64, and House Bill No. 1372, Senate Bill No. 129, Printer's No. 65 were passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 401, as follows:

An Act to prohibit the solicitation of retainers or employment to present settle prosecute or defend claims or actions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is unlawful for any person admitted to the bar of this State to directly or indirectly solicit a retainer or employment to present settle prosecute or defend any claim or action or employ or authorize any person so to solicit on his behalf or to accept any claim or action for presentation settlement prosecution or defense which has been so solicited

Section 2 It is unlawful for any person not admitted to the bar of this State to directly or indirectly solicit a retainer or employment in behalf of himself or any attorney admitted to the bar of this State or any other State to present settle prosecute or defend any claim or action

Section 3 Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50.00) or be imprisoned for a term of not exceeding thirty (30) days or both

Section 4 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 1461, Senate Bill No. 235, Printer's No. 126; House Bill No. 1434, Senate Bill No. 461, Printer's No. 100; House Bill No. 1480, Senate Bill No. 486, Printer's No. 188; House Bill No. 1442, Senate Bill No. 422, Printer's No. 96; House Bill No. 1468, Senate Bill No. 492, Printer's No. 102; House Bill No. 1467, Senate Bill No. 458, Printer's No. 132; and House Bill No. 1439, Senate Bill No. 408, Printer's No. 95 were passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 906, entitled:

An Act to amend clauses six and nineteen and to eliminate clause seven of section twelve hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by

which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class increasing the percentage of state-aid for all districts and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That clause six and seven of section twelve hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the twenty-third day of May one thousand nine hundred twenty-three (Pamphlet Laws 328) are hereby further amended to read as follows

Six Districts of the third and fourth class Elementary teachers and elementary principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand dollars ($1,000) minimum annual increment one hundred dollars ($100) minimum number of increments four (4)

High school teachers and high school principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dallars ($100) minimum number of increments four (4) provided that where teachers in junior high schools have the qualifications required by the local school board for teachers of the senior high school they shall be placed upon the high school schedule otherwise they shall be placed upon the elementary school schedule

Supervisors minimum salary one thausand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments four (4)

Elementary principals who devote one-half or more of their time to supervision and administration minimum annual salary one thousand four hundred dollars ($1,400) minimum annual increment one hundred dollars ($100) minimum number of increments four (4)

High school principals who devote one-half or more of their time to supervision and administration minimum annual salary two thousand dollars ($2,000) minimum annual increment one hundred twenty-five ($125) dollars minimum number of increments four (4)

Superintendents minimum annual salary three thousand five hundred dollars ($3,500)

[Seven Districts of the fourth class Elementary teachers minimum monthly salary one hundred dollars ($100) high school teachers minimum monthly salary one hundred thirty dollars ($130)]

On the question,

Will the House agree to the section?

Mr. WAGNER. Mr. Speaker and members of the House. during the past twenty years my regular occupational duties have afforded me the opportunity of visiting practically every school district in the State of Pennsylvania, of meeting the administrative officers, members of boards of education, parents and pupils. These contacts have made me conscious of the problems confronting the various school districts throughout the state and have aroused my interests in the public schools of Pennsylvania. I regard the public schools as the basic enterprise of the state and all funds expended for their advancement is the safest investment that can be made for insurance against the future.

In a democracy every boy and girl should have equal educational opportunities. That is what democracy means. But in my contacts throughout the state I find that equal educational opportunity does not exist for the boys and girls of Pennsylvania. In some school districts the bare necessities of buildings badly in need of repair, text books unfit for use, furniture of the 19th century model and conditions detrimental to the health and intellectual growth of boys and girls in general, prevail. In other districts there are fine buildings with fine furniture; books and supplies are plentiful and of the best, money, in many instances, is spent lavishly; and boys and girls are offered a curriculum that meets the need of every boy and girl in the district. These opportunities only exist in the wealthy districts of the state. As long as these conditions prevail there can be no equalization of educational opportunity and hence, no true democracy.

Whether a child is born in the most remote spot of the state or not, there should be no reason why he should not have the same educational opportunities as those in other areas.

One of the reasons; and I believe the chief reason for the existing conditions in our educational system is the loose organization of our tax system. Unconsciously our whole educational system is breaking down because of economic retrenchments in the past few years and unless we as legislators and the people of Pennsylvania take cognizance to this fact, I fear for the future educational system of this great Commonwealth. It is, therefore, our duty to study this problem and try to do something about it.

Many friends of education in Pennsylvania are and every member of this house should be, thoroughly acquainted with the problem as it exists today. Then we should get to work and try to find a solution to the problem.

In 1937, for the welfare of education, the legislature, parents, children and citizens of Pennsylvania; the House of Delegates of the Pennsylvania State Education Association recommended that the president of the Association appoint a committee to make a survey of school costs, taxation and sources of revenue, ability to support public education and distribution of state subsidies. Ten thousand dollars ($10,000) was appropriated by the association for the study. The committee included schoolmen and laymen so that it represented a cross section of the administrative, political, economic, and school district organization interests. The study was completed in December, 1938. Since this date I have become acquainted with the findings of the committee and believe that their recommendations are sound and should be considered in the solution of the problems of financing public education. May I recommend that everyone of you avail yourselves of the opportunity to become acquainted with this study and I am sure that you will agree with me that the findings of the committee will be valuable in finding a solution to the problem?

It is pointed out in the study that many significant changes and trends have taken place in the public school organization during the past few years. The organization of the Junior High School and the six-year high school caused a shift in the enrollment of seventh and eighth

grade pupils from the elementary schools to the secondary schools and increased the enrollment in the secondary schools from 38,938 in 1924 to 132,525 in 1936, or an increase of approximately 294 per cent. This increase in pupil enrollment was responsible for a corresponding increase in the number of teachers on the secondary level. In 1924 there were 9370 teachers in the secondary schools and in 1936 this number had increased to 21,438 or an increase of approximately 437 per cent.

These two items alone would have a tendency to increase school costs because the cost per pupils in the secondary school is more than the cost per pupil in the elementary school. To be more specific, for every dollar spent in the elementary school there is spent in the secondary school, in many instances, as much as $2.50. The salary schedule of teachers on the secondary level is higher than the salary schedule of teachers on the elementary level. With the great increase in the number of teachers on the secondary level the amount of money necessary to meet the minimum salary schedule should show an enormous increase. In spite of this phenomenal growth in enrollment and the increase in the number of teachers on the secondary level, the total expenditures per pupil in average daily attendance were lower in 1934 and 1936 than in either 1924 or 1929. This is a distinct step backward and a disgrace to a state that has always been recognized as the Keystone State of our great democracy. Shall this continue or are we willing to face the facts and set upon a definite program of educational growth for the future?

Time does not permit a further discussion of the recommendations, findings and conclusions of this study. However, I want to call your attention to the fact that the survey committee has given a detailed report of the educational problem as it is today, what it should be in the future, with recommendations for establishing a sound educational program for the future Pennsylvania.

I am offering for your consideration and approval, House Bill 906, amending clauses six and nineteen and eliminating clause seven of section 1210 of the act approved the 18th day of May, 1911. This bill embodies the recommendations of the survey committee for the educational program for the future Pennsylvania. It insures equalization of educational opportunities for every boy and girl in Pennsylvania and is the basis of a reorganization program of our whole taxation problem which is in need of revision.

Maybe we are placing the cart before the horse by introducing this bill before some revision of the tax problem is made or before some plan of financing such a program, as this bill would inaugurate, is found. I am not certain, in my own mind, which is the best procedure to follow. Should this bill be passed and then find the money to finance it or should we provide the money for such a program and then pass this bill? If this bill were not called to your attention there is a possibility that the taxation revision problem would never be considered. If we believe in equal educational opportunity for every boy and girl of the Commonwealth, then it is our duty to provide an educational program such as is provided in this bill.

There is a possibility that some one might sponsor a bill or bills to revise our whole taxation program with the aim to establish an educational program such as is provided in this bill. At the present time, my reason for presenting this problem to you is because I am vitally interested in the educational program of the state, because I believe in equal educational opportunity for all children, because I am convinced that the study sponsored by the Pennsylvania State Education Association offers a sound solution for the educational problems of the future.

It may not be wise to pass this bill until you have given it some serious thought but I am presenting it not with the idea of forcing the issue upon you, but with the idea of calling your attention to the important problem that exists and the steps that have been taken toward a solution of it with the hope that you will study the problem as I have and be prepared to pass your opinion on this vital question at an early date.

BILL RECOMMITTED

Mr. WAGNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further careful study.

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker and members of the House, the only reason I do not oppose this motion to recommit is because the sponsor of the measure has made it. I, however, feel that this situation is deplorable and needs remedying.

All of you know that on numerous occasions I have declared myself against putting teachers in life time jobs and other things of that sort. In the Commonwealth of Pennsylvania we have the greatest disparity in educational facilities in the various districts. Some of the school districts boast of buildings containing monometal kitchens and porcelain lined theatres. These conditions exist in those districts where taxation is easy and collections heavy. In other districts they could not even open the schoolhouse and for the past two years were unable to meet their payrolls. I am sorry to see this bill recommitted. I would like to have it come to a vote on the floor of the House and sent to the Senate for action over there. I hope this bill will be kept on the calendar and that I will have a chance to assist the school districts who deserve some further consideration.

Mr. ANDREWS. Mr. Speaker, I oppose the motion to recommit. This bill represents the sanest approach to the school problem that has as yet been submitted to this House. It is indeed a sorry condition, this Legislature having been in session three, four or five months facing the conditions from the very first that this bill is designed to cure, and then in the closing days we are to say to the taxpayers of this state, to the distressed real estate owners and to the unpaid teachers that we are very, very sorry that we cannot do anything for them but really we must have more time to study the condition. From my experience, Mr. Speaker, I conclude that when a Legislature decides it does not want to do anything, it announces its desire to study. The time to have done the studying was during the initial stages of this Legislature. It was during the period, Mr. Speaker, when this House was in recess and when we had Committees meeting that were supposed to do nothing else but study, and to bring to this Assembly solutions of the pressing problems that face the people. If there is any pressing problem facing the people it is this school problem. This is the sanest measure that has been proposed, and to send it back to

Committee with a plea that more study is required, is to confess, Mr. Speaker, a lamentable lack of knowledge as to the facts, so far as Legislative problems are concerned.

Mr. DENMAN. Mr. Speaker, I rise to oppose this motion to recommit, for the reason that through this entire session of the Legislature we have ignored the pleas of the real estate owners in the various counties of the state, who cannot pay the increased cost for maintaining the public school system in their districts. If the state is going to dictate to the local districts that they must have beautiful school buildings, with beautiful murals on the walls, such as we have in one of the beautiful high schools in the city of Pittsburgh, with marble halls, while other school districts are unable to adequately provide education for their children, it would be nothing short of a shame for us to refuse to assist these worthy school districts and I ask the members of the House to vote down the motion.

Mr. STEWART. Mr. Speaker and members of the House, this bill came out of the Committee on Education. The bill was sent to a sub-committee and the whole committee studied the bill. Considering the situation at this time, the Committee decided that the bill was worthwhile to come out on the floor, and it came out with the understanding that it would pass second reading and then go back to Committee.

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Indiana, Mr. Stewart.

The SPEAKER. Will the gentleman permit himself to be interrogated.

Mr. STEWART. I shall, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Indiana if it is his honest opinion if this bill is recommitted there is any chance of having it reported to the floor in time for action in this session.

Mr. STEWART. Mr. Speaker, I will answer that question after the bill goes back to Committee and we have acted upon it.

Mr. KANE. Mr. Speaker, under those conditions much as I regret to have to vote against the chairman of a Committee, I wish to say that I was no party to any such agreement. I would like to remind the members of this House that it seems impossible for any bill having any sense to it to come out of the Educational Committee and then be returned. If you send it back to that Committee you send it back there to die.

Mr. WESTRICK. Mr. Speaker and members of the House, it is not my purpose to delay our action here today. If there was ever one measure that came upon the floor of this House, that deserved real sincere thought and intelligent action, this is it. Let us not be renegades by sending this bill back to Committee to die because, as sure as I stand here, that is the purpose in recommitting the bill. Let us do something for our distressed school districts in the various counties, especially in our rural counties. Let us show that we are sincere and that we want to do something for education. I ask all those who are sympathetic to the cause of education to vote "no" on the motion to recommit the bill to the Committee, and thereby we will be doing something worth while.

Mr. WOODSIDE. Mr. Speaker and members of the House, it seems to me that there is only one matter at issue before this House at the present time. From time immemorial it has been the custom of this House to make gentlemen's agreements in Committee, the terms of which are that when a bill has been reported out for two readings, it will then be returned. That is the only issue upon which the House is now voting. The agreement was made, according to the statement of the sponsor of this measure, in Committee, that this bill would be returned after second reading. If those agreements are to be made, they should be kept.

I, therefore, ask the members of the House to support the motion to recommit this bill purely upon the basis of the agreement that was made in Committee. That agreement under the practice of this House should be kept.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Schuylkill, Mr. Wagner.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. WAGNER. Mr. Speaker, I will.

Mr. ANDREWS. Mr. Speaker, I would like to ask the sponsor of this bill whether it was agreed that this bill should be rocommitted.

Mr. WAGNER. Mr. Speaker, in order to answer the gentleman's question fully I would like to state my position and the position of the Committee.

I must go back to the very inception of this bill and say that I studied it myself for a couple of weeks before I agreed to introduce it in this House. I was completely satisfied as to its merits, and it was for the purpose of obtaining a practical solution of these school headaches that I introduced it into the House and pushed it through the Committee on Education. However, the members of the Committee on Education were unanimously in accord that the bill did have merits. I hesitated at this time to bring the bill out because of the couple of million dollars necessary and no method having been suggested to raise the money. Finally I prevailed upon the Committee, the members of which were in favor of the bill, that the bill be brought out on the floor of the House, in order that it might be publicized throughout the state and by the time we have a special session, or surely by the time we have the next regular session, we will be able to accomplish our purpose.

Mr. ANDREWS. Mr. Speaker, may I inquire of the gentleman whether he has any official assurance if this bill is sidetracked at this time, that it will be included in the Governor's call for a special session.

Mr. WAGNER. Mr. Speaker, I cannot answer the gentleman as to any official assurance, but I have every reason to believe, after discussing it from the top down, that the matter would be included in the call for a special session. However, I have no official assurance to that effect.

Mr. KANE. Mr. Speaker, in view of the statement of the sponsor of the bill that by agreement it should be recommitted, I withdraw my opposition to the motion to recommit. I want to say to the members of the House, and to the members of the Committee on Education in particular, I would feel entirely justified later on, if the bill does not come out, to make a motion to discharge the Committee, which I have never done before in this House and have never voted for such a motion.

I want to say further that the allegation to the effect that there have been no efforts made to raise this money is positively unfounded. I introduced a bill myself, among others, to provide for an amusement tax, which is about the most harmless way I know to raise revenue for distressed school districts, for sanatoria and hospitals in the state of Pennsylvania. If there is any less harmless way

of raising taxes than an amusement tax I do not know it. I am going to endeavor, if it is within my power to do so, to see that future Committees on Education are not entirely dominated by people of one frame of mind.

I withdraw my objection to the recommission of this bill because of the agreement between its sponsor and the Committee, and that is the only reason.

Mr. ANDREWS. Mr. Speaker, in view of the fact that the sponsor of this measure said that there was agreement to send it back, I unfortunately have no other course than to coincide with the agreement. I understand very well that we cannot do business on the floor of this House unless we scrupulously regard our bargains.

Mr. AUKER. Mr. Speaker and members of the House, in view of the agreement I feel the same as Mr. Andrews and Mr. Kane. I believe however, that this bill has had the proper reaction and that the motion could be defeated. However, I am going to ask my colleagues to sustain the motion, in view of the agreement. Certainly, to my mind, if ever a bill has gotten popular reaction over the State, to help and relieve distressed school districts and to relieve the property owners of unjustified taxation, this bill is it. I would feel like going along with Mr. Kane in making a motion to discharge the Committee if this bill does not come out. I therefore ask my colleagues to support the motion.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 1456 Senate Bill No. 140, Printer's No. 123; House Bill No. 1492 Senate Bill No. 796, Printer's No. 163; and House Bill No. 1491 Senate Bill No. 795, Printer's No. 159, were passed over at the request of the SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1014, as follows:

An Act to amend the act approved May 1 1929 (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing for commercial operator's licenses prescribing the qualifications and fees therefor providing for the suspension and revocation of such licenses and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 102 of the act approved March 1 1929 (Pamphlet Laws 905) as amended June 29 1937 (Pamphlet Laws 2329) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended by adding thereto after the definition of "chassis" two new definitions to read as follows

"Commercial Operator" Any person who operates a commercial vehicle motor bus motor omnibus or motor vehicle and who receives any compensation for such services in wages commissions or otherwise whether paid directly or indirectly Provided however that the following shall not be deemed to be commercial operators any person operating a commercial motor vehicle incidentally to the principal occupation of farming or any other agricultural pursuit and is not used for the transportation of passengers or merchandise for hire"

"Commercial Operator's License" The license issued to a person to operate a motor vehicle as a commercial operator

Section 2 Section 601 of said act as amended by the act approved June 22 1931 (Pamphlet Laws 751) is hereby further amended to read as follows

Section 601 Operators and Commercial Operators Must be Licensed No person except those expressly exempted under this act shall operate any motor vehicle upon a highway in this Commonwealth unless such person has been licensed either as an operator or a learner or a commercial operator by the department under the provisions of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for the second offense twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for the third and any subsequent offense fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 3 Section 603 of said act as amended by the act approved June 29 1937 (Pamphlet Laws 2329) is hereby amended to read as follows

Section 603 Nonresidents When Exempt from License

(a) A nonresident who has been duly licensed either as an operator or commercial operator under a law requiring the licensing of operators in his home state or country and who has in his immediate possession either a valid operator's or commercial operator's license issued to him in his home state or country [shall] may be permitted without examination or license under this act to operate a motor vehicle upon the highways of this Commonwealth for the time and to the same extend as like exemptions are

granted residents of this Commonwealth under the laws of the foreign state or country.

(b) It shall be unlawful for any nonresident except as herein provided whose home state or country does not require the licensing of operators or commercial operators to operate any motor vehicle upon any highway in this Commonwealth without first making application for and obtaining a license as an operator or commercial operator as required under this act except that any said unlicensed nonresident who is the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident may operate motor vehicles upon the highways of this Commonwealth for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the state or country of the nonresident without making application for or obtaining an operator's or commercial operator's license under this act upon condition that the nonresident owner has in his immediate possession a registration card evidencing such ownership and registraiton in his home state or country Provided that unlicensed nonresident operators or commercial operators not the owners of motor vehicles registered in states or countries not requiring an operator's or commercial operator's license may operate any motor vehicle properly registered in their home state or country on any highway within this Commonwealth without making application for or obtaining an operator's or commercial operator's license under this act upon condition that they may be required at any time or place to prove lawful possession of such motor vehicle and proper identity

(c) Provided That nonresident operators operating motor vehicles within this Commonwealth for compensation for a period exceeding thirty (30) days in the calendar year shall be required to obtain a Pennsylvania commercial operator's license

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentened to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 4 Section 606 of said act as amended by the act approved June 29 1937 (Pamphlet Laws 2329) is hereby further amended to read as follows

(a) The department upon receiving from any person eighteen (18) years of age or over or upon receiving from any person less than eighteen (18) years of age and more than sixteen (16) years of age when accompanied by an affidavit of consent of a parent or person in loco parentis an application for a learner's permit may in its discretion issue such a permit entitling the applicant while having such permit in his immediate possession to operate a motor vehicle other than a commercial motor bus or omnibus upon the highways for a period of ninety (90) days from the date of issue or until such learner has failed three (3) times at any time within the ninety (90) day period the examination prescribed by the secretary and when accompanied by a licensed operator or commercial operator who is actually occupying a seat beside the holder of the learner's permit except that permittees operating motorcycles or bicycles with motor attached need not be so accompanied

(b) Every application for a learner's permit shall be sworn to before a notary public or other officer empowered to administer oaths on a form provided by the department and accompanied by the fee provided in this act and shall state the name age sex and actual or bona fide address of the applicant together with any other information the secretary may desire and whether or not the applicant has heretofore been licensed as an operator or commercial operator and if so when and by what state and whether or not such license has ever been revoked or suspended and if so the date and reason for such suspension or revocation When the application for a learner's permit is made by a person more than sixteen (16) years of age and less than eighteen (18) years of age it shall be accompanied by the written consent of a parent or a person in loco parentis under the oath or affirmation of such parent or person in loco parentis

Penalty Any person violating any of the provisions of subsection (a) or (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 5 Section 609 of said act is hereby amended to read as follows

Section 609 Register of Operators Commercial Operators and Learners The secretary shall file every application for an operator's or commercial operator's license and learner's permit and index the same by name and number and maintain suitable records of all licenses and permits issued and all applications for licenses denied also a record of all licenses and permits which have been revoked or suspended The secretary may cause the applications for operator's and commercial operator's licenses and learner's permits and records in connection therewith to be destroyed three (3) years after the year for which issued

Section 6 Section 620 of said act as amended by the act approved June 29 1937 (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 620 Violation of License Provisions It shall be unlawful for any person to commit any of the following acts

(a) To display or cause or permit to be displayed or to have in possession any operator's or commercial operator's license or learner's permit knowing the same to be fictitious or to have been cancelled revoked suspended or altered

(b) To lend to or knowingly permit the use of by one not entitled thereto any operator's or commercial operator's license or learner's permit issued to the person so lending or permitting the use thereof

(c) To display or to represent as one's own any operator's or commercial operator's license or learner's permit not issued to the person so displaying the same

(d) To fail or refuse to surrender to the department upon demand any operator's or commercial operator's license learner's permit registration card registration plates certificate of title or duplicates thereof which have been suspended cancelled or revoked as provided in this act

(e) To make use of or operate any motor vehicle without the knowledge or consent of the owner or custodian thereof

(f) To operate a motor vehicle street car or trackless trolley omnibus while under the influence of intoxicating liquor or any narcotic drug or habit producing drug or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

(g) To turn off any or all lights on a motor vehicle for the purpose of avoiding identification or arrest

(h) To operate any motor vehicle upon the highways of this Commonwealth after the operating privilege is suspended or revoked and before such operating privilege has been reinstated

(i) To operate any motor vehicle upon the highways of this Commonwealth after its registration has been suspended by the Secretary

(j) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or make a false statement or conceal a material fact or otherwise commit a fraud in any application

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution

and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsections (e) (f) (g) (h) (i) or (j) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not less than one hundred ($100) dollars and not more than five hundred ($500) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both fine and imprisonment

Section 7 Section 621 of said act as amended by the act approved June 22 1931 (Pamphlet Laws 751) is hereby further amended to read as follows

Section 621 Unlawful for Person under Twenty-One (21) Years to Operate Motor Vehicle as a Paid Employe It shall be unlawful for any person under the age of twenty-one (21) years to operate a motor vehicle upon any highway as a paid employe or for any person to cause or permit any such operation Provided however That such operation shall be lawful by any person over the age of eighteen (18) years who was operating a motor vehicle upon any highway as a paid employe on or before the effective date of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 8 The said act is hereby amended by adding thereto after article Six (VI) a new Article Six A (VI A) to read as follows

ARTICLE VI-A

Section 601 A Limitations of Commercial Operator's License A commercial operator's license issued by the department under the provisions of this act shall be limited to and apply only to the operation of motor vehicles in the capacity of a commercial operator and shall not apply to the operation of a motor vehicle for any other purpose or in any other capacity

Section 602 A Persons Exempt from Commercial Operator's License Every person exempt from the requirement of an operator's license under the provisions of this act shall likewise be exempt from the commercial operator's license as herein provided for

Section 603 A Persons Not to be Licensed as Commercial Operators

(a) A commercial operator's license may not be issued to any person under the following conditions

1 When less than twenty-one (21) years of age

2 Unless such person shall pass examination as to his qualifications as the secretary shall require which said examination shall include an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a commercial motor vehicle or motor vehicle of the type used for the transportation of persons or property for hire

3 When the operating privilege under the commercial operator's license is suspended or revoked

4 When applicant's name appears on the department's prohibitory list or when the privilege to apply for a commercial operator's license has been suspended and before such privilege has been reinstated

5 Where any of the conditions set forth in paragraphs numbered (5) (6) (7) and (8) and Subsection (a) and Subsection (b) of Section 604 of this act are present

(b) The secretary may issue a commercial operator's license to a person afflicted with or suffering from a weakness or disability in vision or hearing upon receipt of such evidence or demonstration as shall satisfy him that such person has had sufficient experience in the operation of a motor vehicle in the capacity of a commercial operator as herein definable to enable him to do so without endangering the safety of the public and provided that such person shall not operate a motor vehicle unless same is equipped with a mirror so located as to reflect to the operator a view of the highway for a distance of two hundred (200) feet in the rear

(c) Every person over the age of eighteen (18) years who is licensed as an operator by the department under the provisions of this act and who is engaged in the operation of a motor vehicle or motor vehicles in the capacity of a commercial operator as defined herein on or before the effective date of this act shall be entitled to receive from the department upon proper application a commercial operator's license notwithstanding the provision of paragraph number (1) of subsection (a) of this section

Section 604A Renewal of Commercial Operator's License Annual renewals of commercial operator's license may be made in such manner as the secretary may require upon a form furnished by the department accompanied by the fee provided in this act The department shall mail such form to the last address of the operator as it appears in the department records.

Section 605A Secretary May Waive or Require Special Examination

(a) The secretary may in his discretion waive the examination of any person applying for the renewal of a commercial operator's license issued under this act

(b) The secretary may in his discretion issue a commercial operator's license under this act without examination to any person applying therefor who is of sufficient age and experience as requierd by this act to receive such commercial operator's license when the secretary is satisfied that the applicant is fully qualified as a commercial operator of motor vehicle and to any person who at the time of such application has a valid unrevoked license of like nature issued to such person in another state under a law requiring the licensing and examination of operators of motor vehicles in the capacity of commercial operators as herein defined

(c) The secretary may issue a commercial operator's license either unlimited or containing certain restrictions or limitations provided that before the secretary shall impose any limitation or restriction upon any commercial operator's license he shall first conduct a hearing to determine whether the facts and circumstances justify a limitation or restriction upon any such license and the extent required

(d) The secretary may in his discretion require the special examination by such agencies as the secretary may direct of any applicant for commercial operator's license or of any commercial operator to determine incompetency physical or mental disability or disease or any other condition which might prevent such applicant from exercising reasonable and ordinary control over a motor vehicle

Section 606A License Issued to Commercial Operator

(a) The department shall issue to every person licensed as a commercial operator a commercial operator's card

(b) Every such commercial operator's license card shall bear thereon the distinguishing number assigned to the licensee the name address and such other information as may be required including a space for the signature of the licensee

Section 607A Name and Address on Commercial Operator's Card Shall Correspond with Actual Name and Address

(a) No person shall operate a vehicle registered in this Commonwealth in the capacity of a commercial operator when the name or address of the operator as appearing on the commercial operator's card is not identical with the actual name and address of such operator unless the operator has notified the department of this variance and given the correct name and address within forty-eight (48) hours of the change of the name or address or of discovery of the variance

(b) The operator upon receiving the corrected commercial operator's license card shall mail the operator's license card bearing the incorrect name and address to the department within forty-eight (48) hours

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof

shall undergo imprisonment for not more than three (3) days

Section 608A Duplicate Commercial Operator's License Card

(a) In the event that a commercial operator's license shall be lost or destroyed or become illegible the person to whom the same was issued shall make application to the department upon a form furnished by the department accompanied by the fee provided in this act for a duplicate thereof

(b) No owner or operator of a motor vehicle shall be subject to a fine for the reason that a commercial operator's license is lost if he makes affidavit that the same was lost or stolen within the period of twenty (20) days preceding and that application for duplicate commercial operator's license was made within forty-eight (48) hours of discovery of loss of same

(c) In the event of a change of name or address of the operator as appearing on the commercial operator's card it shall be the duty of such operator to notify the department within forty-eight (48) hours of such change of name or address

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 609A Commercial Operator's License Card to be Signed and Carried

(a) Every person licensed as a commercial operator shall write his usual signature with pen and ink in the space provided for that purpose on the commercial operator's license card issued to him immediately upon receipt of such card

(b) The licensee shall have such commercial operator's license in his immediate possession at all times when operating a motor vehicle as a commercial operator herein defined

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 610A Expiration of Commercial Operator's License All commercial operator's licenses shall expire the last day of June of each year unless sooner revoked or suspended for cause by the Secretary but commercial operator's licenses for the succeeding year may at the option of their owners be used on and after June fifteenth of the current year

Section 611A Revocation of Operating Privilege of Commercial Operator

(a) Upon receiving a certified record from the clerk of the court of proceedings in which a person pleaded guilty entered a plea of nolo contendere or was found guilty by a judge or jury of any of the crimes enumerated in this section the secretary shall conduct an inquiry to determine whether such crime was committed by a person licensed as a commercial operator and further whether such crime was committed by such person while operating a motor vehicle as a commercial operator and under a commercial operator's license Should it be determined that such crime was comimtted while operating a motor vehicle as a commercial operator and under a commercial operator's license the secretary shall forthwith revoke for a period of one (1) year from the date of revocation the operating privilege of such person under such commercial operator's license and shall in addition thereto revoke or suspend for a like period the operating privilege of such person under an operator's license In the event that it shall be determined that such crime was committed while operating a motor vehicle under an operator's license and in a capacity other than as a commercial operator the secretary may in addition to the revocation of the operating privilege under the operator's license as provided in this act suspend or revoke the operating privilege of such person under any commercial operator's license issued to him only after a hearing before the secretary or his representative or the secretary may in his discretion impose such limitation or restriction upon such commercial operator's license as he may deem proper and just

1. Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2. Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3. Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Operating a motor vehicle involved in an accident resulting in injury or death to any person or damage to property and failing to stop and render assistance or disclose his identity at the scene of the accident

(b) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle as a commercial operator as defined by this act while the commercial operator's license of such person is revoked shall immediately extend the period of such first revocation for an additional like period

(c) The secretary upon revoking any commercial operator's license shall require that said license shall immediately be surrendered and retained by the department

Section 612A Suspension of License or Operating Privilege of Commercial Operator

(a) The secretary shall suspend the commercial operator's license of any person upon receiving a certified record if any of proceedings in which a person pleaded guilty entered a plea of nolo contendere or was found guilty by a judge or jury of any of the acts or offenses hereinafter enumerated and after a hearing before the secretary or his representative or upon failure of such person to appear at such hearing whenever the secretary finds upon competent and sufficient evidence that such person has done or committed any of said acts or offenses while operating a motor vehicle as a commercial operator and under a commercial operator's license The following are the acts or offenses which shall be grounds for suspension hereunder

1. That such person is incompetent to operate a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to operate a motor vehicle upon the highways

2. That such person has been convicted of a minor misdemeanor or has forfeited bail upon such a charge in the commission of which a motor vehicle was used

3. That such person has been convicted of manslaughter resulting from the operating of a motor vehicle

(b) The secretary may suspend the operating privilege of any person under a commercial operator's license with or without a hearing before the secretary or his representative upon receiving a certified record of proceedings if any in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a judge or jury whenever the secretary finds upon competent and sufficient evidence that such person has attempted by offering a bribe or by other fraud or by substitution of another person in his place to take or pass an examination for a commercial operator's license

(c) The secretary may suspend the commercial operator's license of any person after a hearing before the secretary or his representative or upon failure of such person to appear at such hearing whenever the secretary finds upon competent and sufficient evidence that such person has done or committed while operating a motor vehicle as a commercial operator and under a commercial operator's license any of the following

1 Has committed any offense for the conviction of which mandatory revocation of license is provided in this act

2. Has committed any violation of the motor vehicle laws of this Commonwealth

3 Has failed to file a report with the department of a motor vehicle accident as required by this act

4 Has operated any motor vehicle involved in an accident resulting fatally to any person

5 Is incompetent or unable to exercise reasonable and ordinary control over a vehicle

6 Has failed to pay a fine properly imposed by any court of this Commonwealth or of any state or has failed to appear for a hearing before a court of competent jurisdiction of this Commonwealth or of any state upon being notified as provided by law

(d) The secretary may suspend any commercial operator's license when check submitted is returned to the department because of insufficient funds or is not paid on demand and may delegate authority to any department employe or peace officer to lift commercial operator's card so cancelled.

(e) The secretary is hereby authorized to suspend the privilege of any nonresident to operate a motor vehicle as a commercial operator in this Commonwealth for any cause for which the commercial operator's license of a resident operator may be suspended or revoked

(f) The secretary is hereby authorized to suspend the commercial operator's license of any person licensed in this Commonwealth after a hearing before the secretary or his representative or upon failure of said person to appear at such hearing upon receiving notice of the conviction of such person in another state of an offense therein which if committed in this Commonwealth would be grounds for the suspension or revocation of the license of a commercial operator

(g) The secretary may suspend any commercial operator's license upon certification or request or order of any court of commission duly authorized under the laws of this Commonwealth and empowered by such laws to make such certifications requests or orders

(h) The secretary shall not suspend the operating privilege of any person under any commercial operator's license for any act or thing done by such person while operating a motor vehicle under the operator's license and in a capacity other than that of a commercial operator which is the subject of suspension under Section 615 of this act nor shall the suspension of an operator's license under this act constitute grounds for the suspension of operating privileges under any commercial operator's license

(i) The secretary upon suspending any commercial operator's license shall require that said license shall immediately be surrendered and retained by the department

(j) Before the secretary suspends the commercial operator's license of any person the secretary shall immediately notify such person and afford him an opportunity of a hearing before said secretary or his representative and after such hearing the secretary shall either rescind his order of suspension or good cause appearing therefor may suspend the commercial operator's license of such person for a further period

Section 613A Suspension of Privilege to Apply for a Commercial Operator's License

(a) The secretary may suspend the privilege of any person to apply for a commercial operator's license after a hearing before the secretary or his representative or upon failure of the said person to appear at such hearing whenever the secretary finds upon competent and sufficient evidence that such person while operating a motor vehicle as a commercial operator and under a commercial operator's license

1 Has committed any offense for the conviction of which mandatory revocation of the commercial operator's license is provided by this act

2 Has since the passage of this act committed any violation of the Motor Vehicle Laws of this Commonwealth

3 Has failed to file a report with the department of a motor vehicle accident as required by this act

4 Has since the passage of this act operated a motor vehicle involved in an accident resulting fatally to any person

5 Has since the passage of this act been convicted of an offense in another state which if committed in this Commonwealth would be grounds for the suspension of the privilege to apply for a commercial operator's license

6 Has failed to pay a fine properly imposed or has failed to appear for a hearing upon a charge of a violation of the vehicle code of another state before a court of competent jurisdiction of such other state upon being notified as provided by law

(b) That the department has received a certification or request or order of any court or commission to suspend the privilege of any person to apply for a commercial perator's license duly authorized under the laws of this Commonwealth and empowered by such laws to make such certifications requests or orders

(c) The secretary shall not suspend the privilege of any person to apply for a commercial operator's license for any act or omission of such person while operating a motor vehicle under an operator's license and in a capacity other than that of a commercial operator which is the subject of suspension of the privilege to apply for an operator's license under section 615.1 of this act the suspension of the privilege to apply for an operator's license under this act shall constitute grounds for the suspension of the privilege to apply for any commercial operator's license

(d) Before the secretary suspends the privilege to apply for a commercial operator's license of any person the secretary shall immediately notify such person and afford him an opportunity of a hearing before said secretary or his representative and after such hearing the secretary shall either rescind his order of suspension or good cause appearing therefor may suspend the privilege to apply for a commercial operator's license for a further period

Section 614A Right to Appeal to Court from Revocation Suspension Limitation or Restriction of Commercial Operator's License Any person whose commercial operator's license has been revoked suspended limited or restricted by the secretary under the provisions of this act shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the court of common pleas of the county in which the commercial operator resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter down for hearing upon thirty (30) days' written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to revocation suspension limitation or restriction of commercial operator's license under the provisions of this act

Section 615A New Commercial Operator's License after Revocation or Suspension Any person whose commercial operator's license has been revoked under the provisions of this act shall not be entitled to apply for or receive any new commercial operator's license until the expiration of one (1) year from the date of revocation or in the event of suspension no new commercial operator's license shall be issued until the suspension is lifted by the secretary Provided however That in no event shall the period of suspension exceed the term of one (1) year for any one cause

Section 616A Privilege of Payment of Fines and Costs in Installments and Reinstatement of Commercial Operator's License Where the operating privilege of any person under a commercial operator's license has been revoked by the secretary under subsection (a) of section 611A or suspended under subsection (c) 6 of section 612A or the right to apply for a commercial operator's license has been suspended under subsection (a) 6 section 613A of this act such person may apply to the court in which he was convicted or entered a plea of guilty or nolo contendere for the privilege of paying any fine and costs that may have been imposed in such cases in installments and the court in its discretion may so order fixing the amounts and times of payment of the installments While such person is not in default in the payment of such installments the secretary shall restore to him the commercial operator's license but the operating privilege under such commercial operator's license shall be suspended at any time thereafter if it shall be determined by the secretary that such person has failed to comply with the court order

Section 10 Section 713 of said act as amended by the

act approved June 27 1937 (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 713 Operator's License Duplicate Registration or Operator's License Card

(a) The fee for issuing an operator's license to a person unable to produce satisfactory proof of having held a Pennsylvania operator's license during any one of the three (3) years preceding application shall be two ($2) dollars which fee shall entitle the applicant for such license to receive a learner's permit valid for ninety (90) days from the date of issue and if the examination shall have been passed during the ninety (90) day period an operator's license for the current year

(b) The fee for renewal of an operator's license shall be one ($1) dollar

(c) The fee for a duplicate operator's license card or duplicate registration card shall be fifty (.50) cents

(d) Except as otherwise provided in this act the fee for issuing a commercial operator's license shall be two ($2) dollars

(e) The fee for renewal of a commercial operator's license shall be two ($2) dollars

(f) The fee for a duplicate commercial operator's license shall be fifty ($.50) cents

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 991, as follows:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the College of Lincoln University Chester County for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem for the best interests of the university

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 933, as follows:

An Act authorizing the Department of Property and Supplies to acquire repair restore and maintain certain historic shrines and the grounds surrounding the same in Delaware County Pennsylvania conferring certain powers and duties on the Pennsylvania Historical Commission and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval and assistance of the Pennsylvania Historical Commission shall arrange for the acquisition by gift purchase or eminent domain in the name of the Commonwealth of the historic shrines and the grounds surrounding the same known as the landing place of William Penn in the city of Chester and the historic Caleb Pusey House built and occupied by Caleb Pusey close friend and business associate of William Penn member of the Supreme Court and General Assembly of the Province of Pennsylvania in the borough of Upland Delaware County Pennsylvania and shall arrange for the repair restoration and maintenance thereof The department with the approval of the Pennsylvania Historical Commission shall have power to enter into any and all contracts with Federal county and municipal bodies and agencies and individuals deemed necessary to carry into effect the provisions of this act The amount of land purchased and acquired under the provisions of this act shall be in the discretion of the department of Property and Supplies with the approval of the Pennsylvania Historical Commission

Section 2 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purpose of carrying out the provisions of this act Payments from said appropriation shall be made upon requisition of the Secretary of the Department of Property and Supplies by warrant of the Auditor General on the State Treasurer in the usual manner

Section 3 The sum of two thousand dollars ($2,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical Commission for the management supervision repair and maintenance of the properties acquired after the restoration thereof under the provisions of this act during the biennium beginning June first one thousand nine hundred and thirty-nine Payment from said appropriation should be made upon requisition of the Pennsylvania Historical Commission in the manner provided by law

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 393, as follows:

An Act authorizing the Armory Board of the State of Pennsylvania to construct and erect in the County of Dauphin a memorial or monument in memory of the residents of Dauphin County who served in the forces of the United States during the World War and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas the Harrisburg Chamber of Commerce did on the ninth day of August one thousand nine hundred twenty-eight pay over to the Armory Board of the State of Pennsylvania the sum of twenty-seven thousand five hundred ninety-three dollars and seventy-eight cents ($27,593.78) for the purpose of erecting a Dauphin County Memorial in honor of those residents of Dauphin County who served in the forces of the United States during the World War and

Whereas the said memorial was never erected and the aforesaid twenty-seven thousand five hundred ninety-three dollars and seventy-eight cents ($27,593.78) has since been expended by the said Armory Board for the benefit of the Commonwealth therefore

Section 1 The Armory Board of the State of Pennsylvania shall arrange for the construction and erection in the City of Harrisburg on public grounds of a suitable monument or memorial to the memory of all residents of Dauphin County who served in the forces of the United States during the World War Said memorial shall be constructed in the manner and subject to the provisions and restrictions set forth in the decree of the court of common pleas of Dauphin County relative to the construction of such memorial by the said Armory Board which decree reads as follows

"Harrisburg Chamber of Commerce plaintiff and Donald McCormick and Stanley G Jean Defendants

Decree

And now June 26 1938 upon consideration of the foregoing case it is ordered adjudged and decreed as follows

1 That due notice as required by law and the order of court filed May 7th 1928 has been given by publication as therein directed and in the form approved by the court of the subject matter of the bill filed and that leave will be given to anyone to intervene and to appear and be heard on this day

That no one has appeared to intervene or be heard in objection to the prayers of the bill

3 That upon this day the parties have appeared together with a large number of interested persons and no objection criticism or traverse of any of the matters in the bill set forth has been offered or suggested the answer admitting the facts in the bill set forth

4 That upon testimony taken and evidence offered the Court doth hereby specifically find the facts to be as in the said bill set forth adopting the same as its own findings

5 That the action of the plaintiff in accepting the proposition of the Armory Board of the Commonwealth of Pennsylvania that in consideration of the acquisition and conveyance to the Commonwealth for use of an armory site of the said seven acres of land in the bill described from the moneys in this fund the said Board will construct upon the said land or the thirteen acres adjacent thereto or both a memorial to take the form of a gateway building or other suitable structure the exact nature of which should be determined by the said Board and the plaintiff or in the event of their failure to agree then by this court be authorized ratified and approved

6 That the defendants be enjoined and directed to make payment of the funds in their hands and control the subject of this action for the project and under the program as outlined hereinbefore approved and upon such payment made they be decreed to be released from any further or future liability

7 That the Court will retain jurisdiction over these matters for the purpose only of determining the character of the memorial in the event of the failure of the plaintiff and said Armory Board to agree upon the exact nature and form of the proposed memorial and for the purpose of approving any agreement thus made

8 That the costs of this proceeding be paid out of the fund

By The Court

John E Fox (Signed)
A L J"

Section 2 The Armory Board shall have power to enter into any and all contracts deemed necesary to carry into effect the provisions of this act

Section 3 The sum of twenty-seven thousand five hundred ninety-three dollars and seventy-eight cents ($27,593.78) is hereby specifically appropriated to the Armory Board of the State of Pennsylvania for the purpose of carrying out the provisions of this act

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1134, as follows:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of sixty thousand dollars ($60,000) or as much thereof as may be necessary is hereby specifically appropriated to the Downingtown Industrial and Agricultural School of Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 877, entitled:

An Act making an appropriation to Pennsylvania Military College Chester Pennsylvania for the military training and education of students

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars ($150,000) is hereby specifically appropriated to the Department of Public Instruction for use by Pennsylvania Military College Chester Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the general purposes of the institution including the military training and education of such students as may be admitted to such college in accordance with this act Fifty thousand dollars ($50,000) of said appropriation shall be paid during the fiscal year one thousand nine hundred and thirty-nine one thousand nine hundred and forty and one hundred thousand dollars ($100,000) during the fiscal year one thousand nine hundred and forty one thousand nine hundred and forty-one For the school year one thousand nine hundred and thirty-nine one thousand nine hundred and forty twenty-five students shall be admitted to said college to receive scholarships covering board room and tuition to be selected by competitive examination to be conducted in such manner as said college may provide from among candidates nominated by State Senators each Senator of each odd numbered senatorial district to be notified by said college of the time and place of such examination and to have the privilege of appointing a principal candidate and two alternates for examination For the school year one thousand nine hundred and forty one thousand nine hundred and forty-one twenty-five students shall likewise be appointed after competitive examination as above and on nomination of State Senators from even numbered districts

One student shall be admitted from each of the senatorial districts from which nominations were made each of said years In event no appointment is made by any Senator on or before August first of the school year for which the appointment is to be made the President of Pennsylvania Military College may fill such vacancy from said senatorial district

The Governor of the Commonwealth shall also for each of said school years appoint two students to said college subject to examination as prescribed by the college

Each candidate for admission shall in addition to scholistic examination outlined above undergo a thorough physical examination and will be refused admission should physical condition not warrant acceptance

Every student accepted by the college under the provisions of this act shall be required to enter into an agreement with the Adjutant General on behalf of the Commonwealth to serve an enlistment in the Pennsylvania National Guard for a period of five years commencing within six months after graduation and in default of such service in the National Guard to be liable to the Commor ealth for the sum expended upon said student under this or any other law appropriating moneys to said college for the education of students appointed by Senators or admitted by appointment of the Governor

Payments from said appropriation shall be made by requisition of the Department of Public Instruction October first one thousand nine hundred thirty-nine for fifty thousand dollars ($50,000) and October first one thousand nine hundred and forty for one hundred thousand dollars ($100,000)

On the question,

Will the House agree to the section?

Mr. CURRAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend this Act, by adding at the end thereof, the following paragraph: "No portion of said appropriation to be used by Pennsylvania Military College for payment

of any debt existing prior to September first, nineteen hundred and thirty-nine."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to Pennsylvania Military College Chester Pennsylvania for the military training and education of students

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 617, as follows:

An Act making an appropriation to the Department of Highways out of the Motor License Fund for the purpose of rebuilding county bridges carried away or destroyed by fire flood or other casualty and of carrying out the provisions of existing laws relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Department of Highways for expenditure by said department until the first day of June one thousand nine hundred and forty-one for the purpose of rebuilding county bridges carried away or destroyed by fire flood or other casualty and to carry into effect the provisions of existing laws relating thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1495, as follows:

An Act abating proportionately certain appropriations to the extent necessary to offset loss of revenue under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In the event that during the two fiscal years beginning June first one thousand nine hundred thirty-nine any act imposing any tax for State purposes shall be held to be unconstitutional by the court having final jurisdiction of such question appropriations other than those for the payment of the principal and interest of obligations of the Commonwealth shall be abated proportionately to the extent necessary to offset any loss of revenue resulting frm the invalidation of any such act as indicated by the official estimate of revenue by the Department of Revenue for the aforesaid two fiscal years Provided however That no preferred appropriation shall abate unless the aggregate proportionate abatements of nonpreferred appropriations shall be insufficient to offset such loss of revenue The Governor shall determine and certify to the fiscal officers the estimated loss of revenue involved and the proportionate amounts by which appropriations are abated under the provisions of this act

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1115, as follows:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of nine hundred thousand dollars ($900,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the general maintenace of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the university

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 73, as follows:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one thousand dollars ($1,000.00) is hereby specifically appropriated to the Cresson Volunteer Fire Company for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the protection of State property at the Cresson Sanitorium

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 588, as follows:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of perpetuating the memory of Robert Fulton native son of Pennsylvania one of the world's greatest engineers and inventors a pioneer in the development of steam navigation and builder of the first steam war vessel for the United States the Department of Property and Supplies with the approval of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase or gift on behalf of the Commonwealth of Pennsylvania one hundred and twenty-seven acres of land in Fulton Township Lancaster County upon which is still standing the birthplace of Robert Fulton or so much thereof as may be necessary and provide for the restoration thereof

Section 2 The Pennsylvania Historical Commission after the said property has been acquired and restored shall make and enforce rules and regulations for the preservation visitation and maintenance thereof so that the property can be used as a recreational and educational center by the people of the Commonwealth

Section 3 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the acquisition of the site upon which the

birthplace of Robert Fulton still stands together with the adjacent original farm lands of the Fulton family in Fulton Township Lancaster County Pennsylvania Payment from said appropriation shall be made by requisition of the Secretary of the Department of Property and Supplies in the manner provided by law

Section 4 The sum of three thousand dollars ($3,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical Commission for the management supervision repair and maintenance of the property acquired and restored under the provisions of this act Payment from said appropriation should be made upon requisition of the Pennsylvania Historical Commission in the manner provided by law

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 881, as follows:

An Act making an appropriation to the Local Government Commission to continue its work

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars ($10,000) together with the unexpended balance of the moneys appropriated for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine or so much thereof as may be necessary are hereby specifically appropriated and reappropriated to the Local Government Commission created by the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 244) entitled "An act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation" for the two fiscal years beginning June first one thousand nine hundred thirty-nine to continue the work of said commission and to make a study of and report on a statewide retirement system for officers and employes of local governments other than school districts and for the payment of the expenses of the members of said commission for the compensation and expenses of the secretary counsel and other appointees of the commission for printing postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 397, as follows:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated for the several fire companies of the city of Harrisburg Pennsylvania as compensation for protection from and extinguishment of any fire or fires that may occur in or on the Capitol buildings or grounds for the two fiscal years beginning June first one thousand nine hundred and thirty-nine Said sum to be distributed among said companies in equal amounts

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1481, Senate Bill No. 537, Printer's No. 183, was passed over at the request of the SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 625, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty thousand dollars ($20,000) is hereby appropriated to the Pennsylvania Historical Commission for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the payment of salaries wages or other compensation of such superintendent guards wardens and workmen as may be necessary for the care preservation and maintenance of the Daniel Boone Homestead for the necessary cost of freight stationery postage fertilizers seeds and other supplies for plowing and mowing for the purchase of trees and shrubs and for the planting of the same for the restoration of the Daniel Boone Homestead and barn for the installation of a water system and electric lighting for the construction of a picnic ground for the building of a dam for the construction of week-end camp and wayside shelter for youth for the improvements of the roads for the furnishing of the above mentioned buildings and for other incidental and contingent expenses

On the question,

Will the House agree to the section?

Mr. NORMAN WOOD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 1, by striking out the word "twenty" and insert in lieu thereof "ten"

Amend Sec. 1, page 1, line 1, by striking out the figure "($20,000)" and insert in lieu thereof "($10,000)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Pennsylvania Historical Commission

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 341, as follows:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby

specifically appropriated to the National Farm School at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 434, as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred twenty-five thousand dollars ($125,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the support and promotion of medical education

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideratoin of House Bill No. 438, as follows:

An Act making an appropriation to the Department of Commerce

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Commerce for the biennial period ending the thirty-first day of May one thousand nine hundred thirty-nine for the payment of the salaries wages and other compensation of the Secretary of Commerce a deputy secretary and experts statisticians clerks stenographers and other assistants and employes for the payment of traveling expenses for advertising postage stationery equipment printing supplies and for any other expenses necessary for the proper conduct of the work of the department

Section 2 This act shall becor effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 418, as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three hundred twenty-five thousand dollars ($325,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for and during the two fiscal years beginning June first one thousand nine hundred thirty-nine to pay for the care treatment removal and maintenance of the indigent insane at The Dixmont Hospital Dixmont Allegheny County at a rate not exceeding the actual cost of such care treatment and maintenance of such indigent patients in said hospital after deduction of the amounts paid to said hospital by the respective counties or institution dstricts from which such indigent patients shall have come

No warrant shall be drawn or settlement made until the directors or managers of the hospital shall have made on oath or affirmation to the Department of Welfare a monthly or quarterly report as may be required by the Department of Welfare setting forth the actual total number of weeks of service rendered to indigent patients in said hospital during the period for which the report is made and the amounts received by said hospital during such period from the counties or institution districts from which such indigent patients shall have come nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for such care treatment removal and maintenance

Section 2 It shall be the duty of the directors or managers of the hospital to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and thirty-nine setting forth the name of each and every indigent patient resident in the hospital on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or institution district from which such patient was committed

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors or managers of the hospital shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent patient admitted or readmitted during the period of the report together with the identification number of such paient the date of admisison or readmission the county or institution district from which such patient was committed and the amount received from such county or institution district for the maintenance of such patient during the period of the report Such report shall also contain the name of each indigent patient removed from the hospital by death discharge or parole together with the identification number of such patient the date of removal and the county or institution district from which such patient was committed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1082, as follows:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ninety thousand dollars ($90,000) is hereby specifically appropriated to the Pennsylvania Museum and School of Industrial Art for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for maintenance and purchase of apparatus supplies and equipment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1084, as follows:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelpha Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the purpose of maintenance of a school of medicine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1101, as follows:

A Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania for the support and promotion of medical education for the two fiscal years beginning June first one thousand nine hundred and thirty-nine payment to be made according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 923, as follows:

A Supplement to the act approved the twenty-sixth day of June one thousand nine hundred thirty-one (Pamphle Laws 1386) entitled "An act providing for the care protection and maintenance of the brig Niagara Commodore Perry's Flagship at the Battle of Lake Erie and now the property of the State of Pennsylvania creating a commission to be The Flagship Niagara Commission and making an appropriation for such care protection and maintenance" transferring the custody and control restoration and rehabilitation care protection and maintenance of the Flagship Niagara from The Flagship Niagara Commission to the Pennsylvania Historical Commission providing for the continuance of the present The Flagship Niagara Commission as an advisory committee and for its discharge from certain duties and powers and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The custody and control restoration and rehabilitation care protection and maintenance of the Flagship Niagara is hereby transferred from The Flagship Niagara Commission to the Pennsylvania Historical Commission

Section 2 The Pennsylvania Historical Commission shall complete the work of restoring the Flagship Niagara and shall provide for the care maintenance and preservation of such ship as authorized in the act to which this is a supplement

Section 3 For the purpose of displaying and preserving the said Flagship Niagara the said Historical Commission in its discretion is authorized and empowered to acpuire by purchase lease or gift from the City of Erie the Niagara Association or from other groups associations or individuals a permanent mooring place dock or pier on the shores of Lake Erie for the said Flagship Niagara or land on the said lake shore in or adjacent to the City of Erie on which the said Flagship Niagara can be placed

Section 4 After approval of this act the Pennsylvania Historical Commission shall have full control management and supervision of the Flagship Niagara and shall have power to adopt and carry into effect plans for its restoration improvement and maintenance using therefor any funds at the disposal of the said commission not otherwise specifically appropriated or allocated

Section 5 In addition to the authority conferred in the act to which this is a supplement and in this act all power now exercised or heretofore conferred by law upon the Pennsylvania Historical Commission may be exercised by the commission for the purpose of this act and the Pennsylvania Historical Commission shall have power to make and enforce rules and regulations for the maintenance and protection of the Flagship Niagara and the visitation thereof by the public

Section 6 The Flagship Niagara Commission is relieved and discharged from all active duties authority and power conferred on it by the said act to which this is a supplement but shall continue in existence as an advisory committee to the Pennsylvania Historical Commission with power to make suggestions and recommendations for the restoration care preservation and maintenance of the said ship

Section 7 The permanent port or headquarters of the said Flagship Niagara shall be such location or place in or near the City of Erie which the Historical Commission with the approval of the State Art Commission shall select

Section 8 The Historical Commission with the approval of the Governor for the purposes of arousing stimulating and maintaining the interest and appreciation of the citizens of Pennsylvania and the United States in their historic and patriotic background may send the Flagship Niagara on visits and cruises to ports on the Great Lakes the Atlantic seaboard or other accessible places in Pennsylvania and with the approval of the Department of Justice may make agreements and contracts for wharfage insurance towing port fees and other charges incident to such trips and cruises without expense to the Historical Commission and the Commonwealth

Section 9 The sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necesary is specifically appropriated to the Pennsylvania Historical Commission for the restoration preservation and maintenance of the Flagship Niagara

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1444 Senate Bill No. 460, Printer's No. 260, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Mr. WOODSIDE. Mr. Speaker, I desire at this time to call up House Bill No. 1221, Printer's No. 781, on page 33 of today's calendar, bill on third reading, which was passed over.

(Consideration of House Bill 1221 resumed.)

Agreeably to order.

The House resumed consideration of House Bill No. 1221, entitled:

An Act relating to the Anthracite Industry creating the Pennsylvania Anthracite Commission establishing its jurisdiction powers and duties providing for an Anthracite Producers' Advisory Board regulating the production and marketing of anthracite within the Commonwealth assigning production quotas to producers of anthracite prescribing standards of sizing purity and grading for anthracite levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite and the development of anthracite burning devices and additional uses for anthracite eliminating unfair discrimination in wage and hour standards in anthracite mining operations authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite providing for the licensing of anthracite producers and for the granting refusal suspension and revocation of such licenses providing for appeals to the courts of the Commonwealth from the orders of said Commission creating a special fund in the State Treasury into which the taxes fees fines and penalties arising under the Act are to be paid appropriating the monies in said fund and making a temporary appropriation to said fund and providing penalties and remedies for violations of the provisions of the Act and the rules regulations and orders of the Commission

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, ever since the Legislature convened in January of this year, it has been a matter of public notice to everyone that anthracite legislation was being seriously considered, with a view of passage for the first time. This legislation emanated from the Mines and Mining Committee. That Committee does not pretend that it is perfect legislation, but it is in a sense pioneering legislation. Everyone admits the problem but practically no one came forward with any effort at solution. We want the bill sent to the Senate today so that they may, if they desire, have a hearing. I want to point out to the members of this House that no bill in the history of this Legislature has had more hearings, more private conferences, more opportunity for everyone to make suggestions and offer a solution, but still on the eve of the passage of the bill we find a great many people coming forward and crying out that the bill will cause their ruin.

Let me say to the members of this House, that this bill is of the utmost importance because if no legislation is passed it is the conviction, not only of myself, but I think of the members of my Committee, that a great many people are going to face ruin, not only for those just starting in business but also the companies employing thousands of men year in and year out throughout the anthracite fields of Pennsylvania.

The Mines and Mining Committee has been composed of men largely from the coal counties. As the Chairman of the Committee, I don't know much about anthracite, I am just a country legislator who is not so much interested in how the problems of the anthracite region arose during the last thirty years as I am how we are going to help to solve them for the next thirty years. The other people in Pennsylvania, not involved in industry, do not care much who is to blame, but they are concerned with providing employment, and preserving a great natural resource, the world's finest anthracite field so beautifully located close to the world's best markets and close to the deep blue sea. All the people of Pennsylvania are interestd in solving the problem of the anthracite field and saving that great resource from destruction. We want to find out why it cannot be worked out happily and successfully; we believe it can be and we propose to see it done. The people of the anthracite region may keep their history of past wars but their future concerns us all and very seriously. As I stated before, the people of Pennsylvania are interested in solving the problem of the anthracite field because all the people of Pennsylvania are going to have to pay a tremendous increase in taxes with wide-spread unemployment. We are not looking at this matter in a partisan spirit. It is too serious for that. We hope that everyone will endeavor to suppress any expression of partisanship in connection with this measure. Governor James has made a good deal of progress already in solving this predicament by informal gentlemen's agreement. You can see more business in the anthracite region already. There are one or two material factors entering into this increased production of anthracite, one of which is the unuually favorable weather which has prevailed, and the other has been the serious situation caused by the strike in the south coal fields. Another factor which very few people have given any consideration to at all, is the fact that the Legislature which the administration dominates was actually in session in Harrisburg, in a position to pass laws to back up by legal measures what has been agreed upon informally, if those agreements were not kept. It has been hard for some people to agree to these accomplishments when it was so serious to them. One or two had to be pretty heroic to go along at all because it seemed to mean ruin to their companies. In one case at least, even though they had the best business that the anthracite fields had seen for years, they have gone out of business. There are others who fight the passage of any law saying that they will have to go out of business. If there is no law, they will go out of business, but they are going out sooner.

You know how the lion, the king of beasts, called a conference on the hot sands of Africa. The lion said, "Sit down." The ostrich said, "I can't." The lion said, "Why not?" The ostrich said, "I was hiding from my wife all day yesterday and I am somewhat badly sunburned."

A lot of the people we are asking to sit down around the table and work things out have been recently very badly burned.

On the steps of the Capitol, here at Harrisburg, is cut Muhlenberg's statement: "There is a time to pray and there is a time to fight." And there is a time to talk and a time to pass laws. The time to talk has passed and the time to pass laws has come. The Legislature is in session at Harrisburg with full powers. The Federal Government, through our President, has said, Pennsylvania must first exhaust her own resources. Well, we really haven't even tried them. But we of the Mines and Mining Committee urge you to try, and we urge you to do it now, so that these laws may be tried out in the first stages of their administration under a fighting Governor, Arthur James, a man who knows the anthracite business and the people of the anthracite counties—for he is one of their own.

Some say: "No legislation." Some always want "no legislation." Maybe they are right. But may I suggest that from a time before I was born this industry has gone from bad to worse with "no laws." And you could probably find a convention of thieves who would be against a law against stealing. We are in favor of taking action now and if our laws are not perfect, they can be improved later.

The temporary order restored to the industry by Governor James' splendid personal influence has resulted already in a large measure of returned prosperity to this region. But the Governor cannot make laws, nor can he penalize those who break a gentleman's agreement. But back of him was the threat of legislation by a Legislature then in session and able and willing to back him. But what will happen if that Legislature should adjourn having done nothing?

Will those who have gone along in hope of peace and order continue to play ball or will the old cut-throat fighting start again and all this beautiful region with its hundreds of happy homes totter once more on the brink of financial ruin quite as bad as mine caves in Scranton or Gilberton.

We do not intend that it shall. We intend as far as our Mining Committee and that of the Senate is concerned to endeavor to set up a system by law for insuring the cooperation under the law which Governor James has thus far achieved by temporary voluntary agreements—agreements obtained by reason of the critical plight of the whole industry and the sincere persuasive influence of friendly Governor James.

One or two breaking such agreements could ruin it all. We do not intend that they shall long have the chance to ruin it all. It is too important to the people of Pennsylvania. There are ten million of those people. Only about one-fifth live up in the hard coal region and most of those who do and I think all the other eight million want to see this problem settled and will take a chance on a few legislative mistakes after a million private mistakes by both capital and labor, in the anthracite region.

We must solve the relief problem. To this there are two answers:

(1) To cut down relief;

(2) To make it unnecessary by employment in Pennsylvania.

I prefer the latter and to that end I want you all to pull together to get the mines all running and the railroads busy hauling trainload after trainload of Pennsylvania's coal.

You have heard that I am optimistic of a solution. I am. I have great hopes and confidence in Governor James, but there is one dark cloud that overhangs the whole situation. It is the inability of the anthracite producers to get along together. No one can do much with an industry engaged in civil war. The great decline of anthracite began with the strike of 1925-1926. It has speeded downward since. Anthracite is not a peculiar problem now; it is just a branch of the fuel problem.

I have high hopes in Arthur James. The members of the House Mines and Mining Committee have worked together regardless of party. But be a little patient. Do not expect Arthur James to solve in a few weeks what others pledged to help have failed to do in years. Do not expect him to straighten out in a few short months, what years of nonsense, public and private have brought down around your ears.

Let me say to you members of the House, this problem is not the problem of this administration, it is as old as most of us here. The anthracite region has seen a great growth in the number of companies, and likewise a greater decrease in the amount of income which it is receiving. Coal today, by and large, is being sold for less than the cost of production. Governor James is not responsible for the anthracite problem, but it is his duty and it is our duty as far as we can, to help solve it, because the people of Pennsylvania will have to pay the bill if we do not succeed. This is an unusual bill, because this is the first bill which has attempted to force a reasonable amount of cooperation by laying the legal ground work, whereby the people can cooperate in an industry, which has never before experienced such cooperation. It provides for a state appropriation of three hundred thousand dollars. I point that out to you particularly because you might feel it is going to cost your county something, but I want to call to your attention the fact that in the same bill there is a provision that just as soon as contributions from the industry are collected by the Department of Revenue, that three hundred thousand dollars is completely paid back to the Commonwealth of Pennsylvania, so that there is no appropriation to the industry, it is merely a loan on the part of the state.

Let me say to the members of the House that this three hundred thousand dollars, with which you start this bill operating, is almost exactly the amount you spend for relief every day you live. The relief load of Pennsylvania is nearly three hundred thousand dollars a day. That is all we are asking in the line of appropriation to start the coal industry in the anthracite regions on its way towards cooperation.

This is not perfect legislation; it is the best law we could get everyone to agree to.

I want to say that while we have heard complaints on the part of those who are doing the most business, you won't hear complaints from the vast number of employes in the anthracite region who are going to have their income increased, their work increased tremendously by the passage of this bill. There are companies in that region that employ fifteen or sixteen thousand men. The annual income of those men, under present conditions, is only nine hundred dollars per year. It is unfair and unreasonable to ask those people to any longer sacrifice their own interests and the interests of their employes in order that a half dozen or so may be satisfied.

I ask the members of this House to pass this bill now and send it to the Senate. I would like to have it passed today for this reason, the Senate will have a chance to have a final hearing and everybody who is concerned with the bill can give it the final and last consideration in order that any modification which may be required can be made and the bill enacted into law before this Assembly adjourns, as many another Assembly has adjourned having said a good deal and done nothing. I ask you therefore to go ahead with at least one measure that will help to solve the problem of the anthracite region. Pass this bill today and send it to the Senate. As far as the amendments which were suggested are concerned, they are purely typographical errors which can be corrected in the Senate. I therefore ask you, members of the House, to support the bill in its present form.

Mr. HERBERT B. COHEN. Mr. Speaker, I understood that this bill was being passed over in order to afford an opportunity to present amendments. I disagree with the gentleman who preceded me when he says the amendments I proposed are merely for the correction of typographical errors, because all you need to do to read page 16 to see that due to an error existing in the bill, Section b can be considered as part of the bill which materially changes the basic import of that particular section.

Therefore, Mr. Speaker, in view particularly of the stirring defense made by the majority floor leader for adherence to agreements entered into in Committee, and further feeling that those agreements should be adhered to, particularly when they are made pertaining to action on a bill on the floor of the House, I therefore, Mr. Speaker, offer the following amendments to House Bill 1221, Printer's Number 781.

The SPEAKER. This bill has passed third reading and it will be necessary to reconsider the vote by which it was agreed to on third reading in order to consider amendments.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. ACHTERMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York vote on agreeing to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Monroe vote on agreeing to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker and members of the House, I would like to say to the members of the House that it was understood at the time this bill passed third reading that they would have opportunity to offer amendments. Therefore the gentleman from York is entirely within his rights at this time, and I ask the members of this House to support his motion to reconsider the vote by which this bill passed third reading.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 402, page 13, line 15 by striking out at the beginning of said line: "in" and inserting in lieu thereof the following: "ing"

Amend Section 404, page 16, line 26 by striking out at the beginning of the line with bold face brackets the following: "HC ["

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. KANE. Mr. Speaker and members of the House, if you will look at the bill, page 16 you will see that it was the obvious intention of the committee to delete the whole of that paragraph beginning with line 19 to the end of page 16. You will find on the top of page 17 a new section inserted lettered "b," showing that it was obviously the intention of the Committee that the bracket on line 19 and the bracket at the end of line 28 on page 16 should form a continuous deletion of the whole paragraph as originally printed, but due to a Printer's error, there appears on line 26 of page 16 the letters "HC" and a bracket, I suppose he must have had extra brackets that he wanted to use. It means absolutely nothing. You cannot conceivably have a section "b" beginning with a word in small letters, so that all you will be doing by supporting these amendments at this time is to put the Commonwealth to one hundred and fifty dollars or two hundred dollars expenses for reprinting the bill and delaying the sending of the bill to the Senate one additional day, which might result in the people who feel they need another chance to be heard, being denied that opportunity in the Senate. I feel these errors will be corrected in the Senate. To vote on these amendments at this time would hold up this bill's going to the Senate in time so that those who have objections to offer will be denied that opportunity.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I understand the intention of the committee is that Section b, particularly that part that pertains to the filing of the bond, shall be deleted from the bill, but as the bill comes before the House that section is not deleted from the act. I don't care whether the Printer made the mistake, whether the Committee made the mistake or who made the mistake, the fact still remains that we are acting upon a bit of legislation that is not properly drawn and cannot reasonably be interpreted as being the intention of the members of this House.

Irrespective of what the gentleman from McKean may say, or what any member of this House may say, upon the floor of the House, the intention of the membership of this House is construed by what is contained in the bill that we are acting upon. This bill contains a provision for a bond which it was the intention of the Committee and the intention of the House to delete from the bill. The only way that can properly be done is to correct the bill in its present form. I cannot see now, as I could not see on numerous occasions, why this House should be willing to pass imperfectly drawn legislation; nor can I see why the House should abrogate its legislative powers and functions to the Senate to correct deficiencies in legislation for which this House is responsible.

I recommend to the membership of this House that the expenditure of one hundred and fifty dollars by the Commonwealth for the printing of the bill is picayune compared with maintaining the integrity of this legislative body.

Mr. KANE. Mr. Speaker, I would say to the members of the House, that I would take the gentleman from York very seriously were it not for the fact that I heard him argue just the opposite so often. During this session and previous sessions it has always been understood that when a Committee of the House agreed to certain things being deleted the Senate Committee would take care of such corrections. I don't think it is likely that we will abrogate our prerogative to the Senate in this instance, because the Senate and House Committees have fre-

quently held joint meetings and have considered the bill together. This is one of the few bills that has been considered by both House and Senate Committees. I therefore urge the members on the other side, who sincerely desire the people of their counties to be given an opportunity to be heard, to send this bill to the Senate and not to delay the passage of this bill in the House any longer. The amendments offered are merely to delete the extra brackets put in by the Printer. It was the intention of the House to delete the whole of section "b" on that page. I will convey that information to the Senate Chairman, and I assure you it will be corrected in the Senate. I therefore ask you to pass this bill in its present form.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Kenehan and Mr. O'Neill and were as follows:

YEAS—72

Achterman,	Fauset,	McLane,	Sarraf,
Andrews,	Finnerty,	Melchiorre,	Scanlon,
Baker,	Flanagan,	Mooney,	Schrope,
Balthaser,	Furman,	Moran,	Schwab,
Bohn,	Gorski,	Munley,	Shaw,
Boney,	Harkins,	O'Brien,	Stank,
Brancato,	Hess,	O'Connor,	Tarr,
Broad,	Hindman,	O'Keefe,	Thompson, E. F.,
Brown, H. S.,	Hoffman, S. K.,	Ominsky,	Tronzo,
Burns,	Holland,	O'Neill,	Walsh,
Burris,	Keenan,	Readinger,	Weiss,
Check,	Kenehan,	Reynolds,	Welsh, E. B.,
Chervenak,	Levy,	Rider,	Welsh, M. J.,
Cohen, H. B.,	Long,	Rooney,	Westrick,
Cohen, R. E.,	Lovett	Rosenfeld,	Williams,
Donohoe,	Malloy,		

NAYS—103

Ackermann,	Foor,	Leisey,	Sollenberger,
Alspach,	Fullerton,	Leydic,	Stambaugh,
Atkins,	Gates,	Lichtenwalter,	Stewart,
Auker,	Gillan,	Lyons,	Stockham,
Balliet,	Gillette,	Madden,	Sweeney,
Bennett,	Goll,	Marr,	Tahl,
Boorse,	Habbyshaw,	Matthews,	Taylor,
Boose,	Haines,	McClester,	Terry,
Boyd,	Hall,	McGarrity,	Thistle,
Bretherick,	Hamilton,	McKinney,	Thompson, G. R.,
Bronson,	Harbeson,	McNally,	Tiemann,
Cadwalader,	Haudenshield,	McVay,	Trout,
Calvin,	Henry,	Moser, J. L.,	Van Allsburg,
Carpenter,	Hewitt,	Muir,	Van Belle,
Christler,	Hocke,	O'Dare,	Voorhees,
Clark,	Hoffman, J. N.,	Reagan,	Webster,
Cook,	Hoyt,	Reese, D. P.,	Wilson,
Cooper,	Huntley,	Riley,	Winner,
Cordier,	Imbrie,	Robertson,	Wood, H. M.,
Cortese,	James,	Rose,	Wood, L. H.,
Curran,	Johnston,	Roseberry,	Wood, N.,
Dalrymple,	Jones,	Royer,	Woodside,
Dix,	Kane,	Schrock,	Yeakel,
Ewing,	Knoble,	Seif,	Turner,
Fiss,	Krise,	Serrill,	Speaker.
Fleming,	Lee,	Sloan,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, the most solemn duty confronting modern statesmanship is the correct interpretation of contemporary events. Democracies have fallen throughout the ages because the people in that particular time were not able to interpret the political events transpiring before their very eyes. I resent the fact that the party to which I was traditionally committed, traditionally allied, saw fit to enunciate and proclaim a philosophy that has come to be known as the "New Deal"; a philosophy by means of which governmental agencies reach out into all the recesses of the country and lay their grasp upon business, substituting for the wisdom supposedly inherent in business management, political control. It means something, members of the House, when we cut loose from the practices, traditional in a state which has been conspicuously conservative for more than a century. It means something when we say to a great basic industry, "You don't know how to run your business, you never will be able to run your business, the thing for you to do is to hand over the details of your business to a state commission."

Members of the House, do you expect that you are creating in Pennsylvania a body that will be more conspicuously successful in the management of the anthracite industry than the members of the Guffey Coal Commission were in handling the details of the bituminous coal industry? Anthracite comes and lays its problems before the House, and we propose taking them over. The anthracite problems are no more pressing than the problems pending in the bituminous coal fields. By every rule and precedent established by the pending bill, if it becomes incumbent for the Commonwealth to rescue the anthracite coal industry, let me say, that the anthracite coal industry is no more troubled than the dairy industry, and by all the rules, precedents and regulations inherent in the bill now pending before the House it would become incumbent, on demand upon the state, to take over the dairy industry, and where are we to stop?

I say to you, members of the House, in the light of history throughout the ages, in the light of history in our time, there are two means by which you establish a totalitarian state. First, through the agencies of government, you control labor. Secondly, through the agencies of government you control business, and controlling business and controlling labor you establish the authority of the controlling state.

Perhaps we need the eyes of prophets to see down the lane and discover what is at the end of the next ten years, but members of the House, you can't pass this kind of legislation regarding basic industries without making business the servant of the creator, and establishing political supremacy. I say to you, call it what you may, if the state of Pennsylvania, or the government at Washington, controls anthracite, controls the bituminous industry, why won't we control steel when steel is in trouble? You already see the extent to which the federal government is reaching out in its control over agriculture. The same vicious principle which would establish quotas for wheat, quotas for cotton, quotas for potatoes, quotas for cabbage is written into this bill that establishes quotas for anthracite. Incidentally, it establishes quotas for anthracite based upon long experience, based upon a production which will absolutely centralize and perpetuate the very type of governmental control which is primarily responsible for the present woes that are now visited upon the anthracite industry.

I will ask you members of the House who have been unable to agree with the philosophy that has been flowing

from Washington, what has happened that you can take that very philosophy, raised to the nth degree, and lay it before the House as Republican party philosophy? Suppose the powers at Washington, taking a tip from Pennsylvania, supersede by means of federal legislation the statute you are now enacting under the auspices of the Commonwealth. You can't rise up then and dispute your own teachings. You cannot inveigh against the encroachment of federal authority, and the logical conclusion is, since anthracite enters into interstate commerce, if there is to be government control, that governmental control will be shifted to Washington.

Now, members of the House, this bill in its structure, in its philosophy, violates the political and economic philosophy to which I am committed, and members of the House, it violates the political and economic philosophy to which I had hoped you were opposed. The question that faces you is whether you want to take the worst of the New Deal, expressed in the Guffey coal bill and lay it down as your solution of the woes that face the Commonwealth.

Members of the House, it is a bit, I would say, egotistical on our part, to conclude, if the eminent business acumen which, for example, guided the destinies of the Glen Alden Coal Company these many years has failed, that we can pick up three men who will do the trick and pull the industry through, under the auspices of the Commonwealth, that the best legal and business brains of the Commonwealth have been unable to cope with.

Members of the House, I advise you, if you pass this bill, adopt also a resolution establishing an appropriation to take all of the Republican members of the House down to Washington to see Harold Ickes, Harry Hopkins and the rest of them and tell them that you have sworn in one hundred per cent to their philosophy of governmental regulation of business.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman from McKean in his remarks to the House relative to this bill apologized for its presentation; apologized for the method in which this bill seeks to solve the anthracite problem. The bill itself, one will readily see by referring to the title page, was introduced by the gentleman "by request," which in itself is a tacit admission of an apology.

I quite agree with the gentleman from Cambria, who has just spoken, that a bill such as this placing an increased burden upon the government and an increased injection of government into our daily business, should be watched. In this particular instance it should be watched very carefully, because apparently the proponents of this bill have been attempting to solve the problems of the anthracite industry from purely selfish motives. The bill as it is presnted before the House is not by any means a solution of the problem, but it is a solution of the problems of three or four large coal companies in the Commonwealth of Pennsylvania. It solves their problem, and it solves the problem of those three or four large coal companies in the Commonwealth of Pennsylvania at the expense of one hundred and thirty, one hundred and forty or one hundred and fifty independent coal operators in the Commonwealth, and at the expense of thirty or forty thousand men working in the anthracite industry, employed by those independent coal operators. If that is the solution that is given to this House, if that is the manner in which we are to solve the present vexatious problems of anthracite, I say we not only abrogate our legislative prerogative to the Senate, but we abrogate our legislative prerogative to those three or four large coal companies.

Look at the method by which they determine the proration! Analyze the bill and you will see that on this basis the Glen Alden Coal Company will have an increase of one million five hundred eighty thousand tons which they will take away from the independent coal operators throughout the hard coal district. The Lehigh Coal and Navigation Company will benefit to the extent of four hundred seventy-six thousand tons of anthracite diverted into their collieries at the expense of the men working in the independent coal fields. Lehigh Valley will be the beneficiary to the extent of ninety thousand tons, and four hundred and four thousand tons for the Pennsylvania Company. The Philadelphia and Reading Coal Company will benefit to the extent of a million tons. Those companies, mark you, with the increase in their allotment, can only get that increase as a result of a decrease in the quotas of the independent operators. The independent operators under the proration clause, as contained in this bill, are going to have a decrease of approximately thirty-three and one third percent. What business, let alone the independent coal operators who suffer by this bill, that any member of this House has acquaintance with, can stand a decrease of thirty-three and one third percent in its gross income and at the same time meet the expenses of operation and overhead?

Just let me cite to you what is attempted to be done by this bill. The production of the Anthracite Company of Pittston will be cut down from nine hundred thousand tons to six hundred and twenty-three thousand tons. The same thing will happen to the Highland Coal Company of Avoca, whose production will be cut from one hundred and seventy thousand tons to one hundred and fourteen thousand tons. The Sullivan Trail Coal Company of West Pittston will be cut from three hundred and eighty-one thousand tons to two hundred and sixty-one thousand tons, and so on through out the entire independent coal fields.

My concern primarily is directed to the men who are going to lose employment in those particular mines, just as sometime ago in the passage of the Workmen's Compensation bill we considered the plight of the coal operators and said to keep the coal operators in operation, we had to cut down the cost of compensation insurance. I say to the members of this House by so doing you are going to increase the relief rolls. By the passage of this bill, with the method of proration included in the bill, you are going to say to the unemployed, "Your plight is not bad enough. We are going to put into your plight fifteen thousand coal miners who are now gainfully employed in the independent operators' mines."

Let us not be fooled. This bill is presented to this House primarily for one purpose, and that to save four or five large coal mining enterprises in the Commonwealth of Pennsylvania. To demonstrate that, let me call to your attention just how the advisory board, which is supposed to advise the Commission is to be elected. Four members of the board of ten are elected by the vote of all the operators. The remaining six directors are elected on the basis of tonnage—

Mr. WOODSIDE. Mr. Speaker, I ask the gentleman from York whether he will please yield for one moment until I make a statement.

Mr. HERBERT B. COHEN. Mr. Speaker, I will.

Mr. WOODSIDE. Mr. Speaker, the hour is growing late and it seems as though this debate were going to last for quite some time. I therefore, Mr. Speaker, ask that this bill go over in its order.

The SPEAKER. The Chair would suggest to the gentleman from Dauphin that he move that the bill be placed on the postponed calendar. It is now on final passage.

The Chair would say to the gentleman from York that all arrangements have been made to leave here at three o'clock, and in view of the fact that there is to be considerable debate on this bill—

Mr. HERBERT B. COHEN. Mr. Speaker, I feel that the debate on this measure is of such vital importance that the House should dedicate itself to the solution of this particular measure now. I am quite surprised, under the circumstances, that the objection against the correcting amendments was made primarily on the basis that a day is going to be lost, when we are confronted with this situation at the present time. Now we are confronted with the further request that we lose a day, again emanating from the other side.

The SPEAKER. The Chair has no choice in the matter. That is a matter for the House to decide.

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The SPEAKER. The Chair would advise the gentleman from Dauphin that his motion is not in order at a time when the gentleman from York has the floor, unless the gentleman from York will yield the floor.

Mr. HERBERT B. COHEN. Mr. Speaker, I appreciate the object of the motion but it is my desire to continue with the presentation of the problem.

The SPEAKER. The gentleman will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as I have indicated—

Mr. KANE. Mr. Speaker, I desire to interrogate the gentleman from York.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from York, in view of taking the stand he is taking, in view of the fact that the floor leader on our side has moved that the bill be placed on the postponed calendar, and in view of the two typographical errors to which he has called our attention if we reconsider the vote by which the bill passed third reading, put his amendments in, let the bill go over for printing, whether he can debate the bill to his satisfaction when we bring it up on final passage calendar?

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the gentelman, I am presently unalterably opposed to any continuation of this matter. I might state that the test vote taken previously clearly indicated that there are not sufficient votes on the other side of the House to pass this measure, and I do not propose by any acquiescence on my part to give the majority any concession, or give them any opportunity to bring additional members into this House in order to vote for the passage of this particularly obnoxious legislation.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from York whether he is not familiar with the fact that if the majority desire to have the matter reconsidered, that they can take up the time of the House for such consideration, and also that persistence in this debate is only resulting in the wrecking of the Speaker's picnic which I think is scheduled for this afternoon, which I feel, and I think the gentleman will agree with me, we have no desire to do. If there is to be a delay in the passage of the bill, I will accept the gentleman's amendments, if he wants to do something constructive, which he failed to do in the last four years. I think he should accede to the existing conditions.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the gentleman's interrogation I will say that were the Speaker himself able to answer the interrogation, he would say that a picnic is nothing compared to the welfare of the anthracite coal industry in the Commonwealth of Pennsylvania.

The SPEAKER. The gentleman from York will proceed.

PARLIAMENTARY INQUIRY

Mr. KANE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. KANE. Mr. Speaker, I ask the Speaker, as a parliamentary inquiry and for the information of the House, as to whether or not it would not be possible, in the opinion of the Chair, for two members who are for the bill to agree to vote "no" and have the bill reconsidered later, take up another day of the time of the House, and thereby avoid the wrecking of the Speaker's picnic? Will the Speaker please answer that question?

The SPEAKER. The Chair would advise the gentleman that a motion to reconsider, at the proper time, would be in order and the House can then decide that question.

The gentleman from York will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as I started to say at the inception of my argument the presentation of this bill by Mr. Kane was an apology, his interrogation of me was an apology and his last parliamentary inquiry was the final climax of his apology in admitting defeat of this particular legislation.

This bill is entirely the conception of the large operators in the Commonwealth of Pennsylvania. Of the ten appointees to the advisory board, four of them are elected generally from the operators throughout the entire Commonwealth, but the majority of this advisory board is elected on the basis of the production of the large operators which amounts to approximately fifty-two percent of the anthracite quota. The large operators will, by the exercise of their fifty-two percent quota, elect six members of the advisory board while the other forty-eight percent of tonnage will not be able to elect any more than four members on the advisory board, so that not only in the proration as contained in this bill are the large operators given the benefit of approximately three million tons, but the advisory board which under this act is constituted to advise the Commissions comes in with advice already loaded to the extent of six to four. I say, Mr. Speaker and members of the House, such a departure from democratic institutions, such a departure from the democratic conception of the manner in which an industry or a government should be regulated, clearly reeks of the problem that the gentleman from Cambria mentioned.

Now, let us take this bill and analyze it a little further. Last Ocober, these very same operators who apparently had determined upon and written this bill, opposed the bill

presented in the House at that time because the bill presented in the House in the 1937 session would have practically redistributed labor throughout the entire anthracite field. Today those same individuals are trying to persude the members of this House to vote for this bill because in voting for this bill the readjustment or redistribution of labor that this bill will bring about will be for the benefit of those four companies. Only last October, those same companies in public hearing, in public statements made before Committees of this House, stated that they opposed the bill then introduced because quota of production which did not consider cost of production was bad, and today those same companies, not more than seven or eight months later, come before this House advocating the passage of this bill establishing quotas that are not based upon cost of production, saying it is good because those companies are receiving the benefit thereof.

I plead with the membership of this House, under no circumstances should we take an industry that for years has been identified with the Commonwealth of Pennsylvania, that has always been looked upon as Pennsylvania's own and sell that entire industry into the hands of four large companies so that they might dominate that particular industry throughout the entire United States.

I do not believe that the gentleman from McKean really wants this House, in an effort to pass legislation, to pass bad legislation. I do not subscribe to the theory that bad legislation is better than none. I say that no legislation is better than bad legislation. I do not feel that I should come before this House and advocate that we should not pass any legislation. I do not feel that I would be representing the minority party to condemn rather than show how this bill could be placed on a workable basis. The members of the sub-Committee of the Committee on Mines and Mining had before them a representation of the independent operators and the coal miners. They know that a method of proration not based upon statistics that will give four coal companies all the gravy can be worked out; they know that an honest method of the allocation of the anthracite mines, and honest allocation of work in the counties can be worked out, and I say to the membership of this House, insert in this bill an honest proration, insert in this bill a better method of determining the amount of coal that can be mined. I say, insert this amendment to this bill and the opposition centralized against the passage of this bill will be entirely obviated. I say if you wish to honestly pass a regulatory coal bill, pass a bill that will maintain the honesty and integrity of this legislative body. If that is done, then we can have legislation on anthracite that will be good legislation rather than legislation presented by the gentleman "By Request" which is neither beneficial to the industry nor beneficial to the welfare of the Commonwealth. I sincerely ask the membership of this House to refrain from the passage of this legislation.

Mr. BOHN. Mr. Speaker and members of the House, I am very much amused this afternoon. We have a problem concerning anthracite. The sponsor of the bill is a man from the oil and gas fields. The first two speakers, Mr. Cohen from York and Mr. Andrews from Cambria, opposed the bill, and I appreciate their position very much. I am the first one from the anthracite field whom the bill actually affects to arise on the floor and oppose it. In this House we have approximately twenty members who have been born and reared in the anthracite fields of this Commonwealth. I cannot understand why those who are so vitally interested in having this bill passed should go out to McKean County and ask the gentleman from that county to present the bill. I have not been consulted on this matter, neither have any of the members of the anthracite bloc been taken into their confidence.

Mr. Cohen has very ably and very adequately given you figures in regard to the damage this bill would cause to the anthracite region. Up in the counties of Luzerne and Lackawanna we have ninety independent coal operators, and as Mr. Cohen has pointed out to you they have very vigorously opposed the enactment of this bill. There are but four or five large companies who desire the passage of this bill, and they have very good and selfish reasons for wanting it.

Mr. Kane stated in his address to the House that there was not any serious opposition to this piece of legislation, but I point out to your members today that in Luzerne and Lackawanna counties if this bill is enacted into law you will put back on the relief rolls fifteen thousand miners who are employed by independent operators. I want to say to the members who are not acquainted with the situation, and who seem to think that the record of the independent operators is somewhat like that of the bootleggers or the fly-by-night corporations, that these independent operators in the counties of Luzerne and Lackawanna are men who banded together in the darkest days of the depression, and when these large coal companies gave up these operations because the cost of mining was greater or because they had taken the cream of the crop, they were financed, opened up these mines and employed fifteen to twenty-five thousand idle miners, when the large companies closed their mines disregarding the fact that a lot of the men were going to be thrown out of work. These men came along with lots of capital, millions of dollars, and opened up these mines and kept them operating. They went out and secured orders for coal. They did not sit idly by squawking about various things that were hurting industry. They invested their money, put their shoulders to the wheel, employed these men and have been keeping them working for the past six or seven years.

I submit to the members of the House, particularly you members whom this bill positively does not effect, I make a personal plea to you, coming from the anthracite region, if you enact this bill into law you will put out of work in the counties of Luzerne and Lackawanna twenty-five thousand men. You will say to the few favored large companies in those two counties that they have the right of way as far as this state government is concerned. I am asking you as a personal favor to the anthracite bloc in this House, I appeal to you members whom this bill does not affect, to vote "No" when the time comes. I thank you.

Mr. KANE. Mr. Speaker and members of the House, the arguments presented by the gentleman from York and the gentleman from Luzerne would fall with more favor upon my ears, had I not served on several investigating committees, one under Governor Earle and one under Governor James. When those committees met at no time did either of these gentlemen come forward and offer any suggestion of any sort, shape or description, for the relief of the people of their counties.

Mr. Speaker and members of the House, it is a strange coincidence that the gentleman from York only mentions the tonnage quota of one group of people who during the last three years, regardless of price or ethics, cut into

legitimate competition and now asks to be held at that improper level which they acquired by reason of the acquiescence of others, while the position of others, is to be jeopardized. There are companies in the anthracite regions, gentlemen, who may be forced to close, who have on their payrolls as many as eighteen thousand men, companies whose men are only getting one hundred and fifty days' work a year, while their cut-throat competitors are employing their men two hundred and fifty to two hundred and eighty days a year. What are you going to say to the legitimate employes, members of the United Mine Workers in your county, who work for companies that for many years have met their payrolls? Are you going to say to those legitimate members, "I am sorry that your company had to close. Whereas you got one hundred and fifty days before, you will get none now because we voted for those people who do not care how they operate so long as they stay in business at somebody's expense." Let me say to the members of the House do not be fooled by hypocritical speeches, such as the last two you have heard, that you are not concerned, because a very great part of the relief load in the anthracite counties of Pennsylvania will be affected by this bill.

Let me say further, Mr. Speaker, this is not the first attempt at legislation. There was a whole series of bills presented by the last administration that were known as the Earle Bills, and I worked hard on those. It is true, I do come from an oil county, but may I say this, without hurting anybody from the anthracite region that it might be well if the anthracite people would give a little thought, take a few leads from the note books of their successful competitors because they haven't done so well. They might even look at the oil business and find out something about their sales methods. This bill is designed to give anthracite a fighting chance to operate successfully.

I have no time, members of the House, for those individuals who do not care how they operate so long as they stay in business at the expense of somebody else, but I have a lot of time for the great majority of this industry who want to operate under the law, to employ their men and give them real wages, to give a decent annual return to their miners who work day after day deep down in the mines. What hypocrisy! What hypocrisy for a man to stand up and oppose a bill to regulate the operation of mines employing thousands and thousands of men in constant danger of their lives. What nonsense for people to come here and make hypocritical arguments when they know that this House can be reconvened to consider this and other bills. Their only purpose is to inconvenience every man in this House and prevent him from going to the scheduled picnic which the Speaker of the House was kind enough to arrange and to invite us to this afternoon. It is a pleasant day to go to a picnic. We have had such typical picnics for the past four years, and their only purpose is to detain you here this afternoon so that you cannot go.

While this is a serious problem I think we are entitled to a half day off. There will be further answers to the hypocritical argument brought forth by the gentlemen who proceeded me in opposition to this bill.

MOTION TO ADJOURN

Mr. KANE. Mr. Speaker. I move that this House do now adjourn until tomorrow morning May 18th, 1939 at ten o'clock.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. BOHN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Luzerne will state his parliamentary inquiry.

Mr. BOHN. Mr. Speaker, may I talk on a question of personal privilege at this time?

The SPEAKER. The gentleman may not. There is nothing in order but the question on the motion to adjourn.

Mr. BOHN. Mr. Speaker, I feel that the gentleman from McKean has made some very, very bad remarks.

The SPEAKER. The gentleman may not debate; he may not make any statements. There is nothing in order but the question on the motion to adjourn.

Mr. BOHN. Mr. Speaker. I ask for a roll call.

MOTION TO ADJOURN WITHDRAWN

Mr. KANE. Mr. Speaker, I withdraw my motion to adjourn and yield to the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, the gentleman from McKean having withdrawn his motion to adjourn, I do not care for the floor.

On the question recurring,

Shall the bill pass finally?

QUESTION OF PERSONAL PRIVILEGE

Mr. BOHN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. A question of personal privilege is not in order at this time. The gentleman is in order to debate the bill if he so desires. The gentleman will proceed.

Mr. BOHN. Mr. Speaker and members of the House, in debating this bill my sincerity has been questioned by the gentleman from McKean. I want to let the gentleman from McKean know that any statement I made was not hypocritical. Every statement I made was sincere and truthful and I ask the members of this House to vote down this bill for very, very good reasons.

So far as I am concerned, and so far as the other members from the anthracite region are concerned, we are anxious for any kind of legislation that is going to benefit the industry. We are anxious for any kind of legislation that is going to put miners back to work and I challenge the sponsor of this act to show me or any member of this House where this bill will open up the idle mines in my county. I point out the mines in the Largeville section where from twenty-five hundred to three thousand men were put out of work. I point out the coal colliery in Sugar Notch which in the past year has been closed by the Glen Alden Coal Company and has never been reopened. It is like another ghost town. I ask the sponsor of this act where this bill will reopen those collieries? Will the enactment of this bill put back to work the thousands of miners who have been idle in my county over a period of the last ten years? We are anxious for any kind of a law that you can bring forth that is going to benefit our industry. We won't oppose it, but when you bring a bill

on the floor of this House that is actually going to destroy three-fourths of the industry in our counties, then we oppose it, and we oppose it sincerely and honestly. Therefore, I guarantee you, Mr. Speaker and members of the House, that any remarks I made on the floor of this House this afternoon have not been hypocritical. I thank you.

Mr. SCHROPE. Mr. Speaker and members of the House, this bill if enacted into law will throw out of work in Schuylkill approximately fifteen thousand people. I would ask the gentleman from McKean and the members on the Republican side who do not live in the anthracite coal regions to find out how the Republican members from the anthracite coal regions are going to vote on this bill and you can find out the sentiment in the anthracite coal regions as expressed by those members, at least by a majority of them. After all the members of the House who do not live in the anthracite coal fields should take advice, regardless of party politics, from the members in the anthracite coal fields.

Earlier in the day the gentleman from McKean stated on the floor of this House, as Chairman of the Committee on Mines and Mining, "I know very little about anthracite and anthracite mining." Members of the House, I think it is useless for him to make that statement because that fact is known when he introduces a bill of this nature.

Mr. BONEY. Mr. Speaker and members of the House, in view of the lengthy debate, the talks and arguments that have been presented pro and con on this bill, I do not intend to keep you much longer. I have a few thoughts that I would like to express on the floor of this House, and if I did not express them at this time I think it would be amiss on my part.

I come from the heart of the anthracite region, I come from a particular district that has been idle for the past seven years. Before the colliery was shut down the operators were producing enough coal to enable them to operate the colliery, but under this plan their output would be cut down about fifty thousand tons per year. On that basis I do not think that this plan would solve the problem. Our entire county has felt the affects of unemployment, particularly the sections which have been affected by unauthorized strikes and periodical suspensions, which have played havoc with operations in the mining towns. There are a number of large operators who own quite a number of mines up in our particular section who felt it was unprofitable to operate those collieries. I cite one particular instance. This was an operation which was shut down in 1911 and it was not started until 1932. One of the companies shut down for the simple reason that it was not profitable to operate. Owners of large anthracite properties had in mind that the passage of the Rehabilitation Bill would serve to stimulate the ailing anthracite industry by allocating production quotas, eliminating bootleg mining and by expending a substantial sum yearly for research and promotion. Some provisions of the bill are alright, some are objectionable to independent operators, who would be unable to continue operation if all the provisions of the so-called Rehabilitation Bill are incorporated into law.

A large part of our county has certainly felt the effects of unemployment. One particular section was affected as far back as 1920 with unauthorized strikes, and periodical suspensions of operations have played havoc with operations of mines in a dozen towns. A few years ago a number of experienced men possessing a thorough knowledge of mining, adequate capital and principally an abiding interest in the welfare of their fellow citizens began to lease from the major producing companies certain anthracite properties. One of these collieries employed as many as eight hundred at one plant who worked upwards of two hundred and seventy days last year. This mine was idle for years before the independent lessees started the wheels of industry moving again in 1932. Gentlemen, these men are full fledged, honest-to-goodness operators, they're not the fly-by-night type. When the larger companies were dismantling their breakers and centralizing the preparation of anthracite, these men went out and at large expense built breakers.

Sullivan Trail Coal Company, the old Clear Spring Colliery, had been flooded since 1911 and was generally regarded as a permanently abandoned shaft until Louis Pagnotti and associates pumped out the water and resumed the mining of coal about 1934, providing employment and union wages for several hundred men.

The Pittston Company cited facts and figures to show that its No. 14 Colliery could not be operated at a profit and, as a consequence, this valuable colliery was abandoned. For eight years not a wheel turned. In 1937 an enterprising group, organized under the title of the Jermyn-Green Coal Company, leased this operation and has since operated the colliery regularly.

Volpe Coal Company resurrected No. 6 and Butler collieries from inactivity and both of these important Pennsylvania Coal Company tracts worked well in excess of two hundred and thirty days last year.

No. 9 Colliery, at Hughestown, was practically abandoned; then it was flooded. The old breaker was torn down and it appeared that there would be no further coal mined from that colliery. Operator Louis Pagnotti, not content with his development of the Sullivan Trail mine, leased the No. 9 property and has been operating steadily, paying satisfactory union wages with satisfactory conditions obtaining, and built a modern breaker costing a half million dollars.

Other valuable tracts which were revived during recent years are the Heidelberg, Morgan Slope, Pittston-Dupont, Adonizio tracts, Gallizzi tracts and numerous others in this region.

Mr. Speaker and members of the House, in order to expedite matters, I am not going to say any thing more, but I am going to ask one question: Should these men be punished for furnishing work to approximately twenty thousand men, when there was no work to be had during this particular time?

Mr. KENEHAN. Mr. Speaker and members of the House, I have heard lawyers and professors discuss this bill, but, believe it or not, like Arthur James I am a breaker boy. There is a slight difference however. He is referred to as the "red-haired breaker boy" while I am only a blonde. He was elected to the highest office in the state upon his promise that he would put thousands of idle miners to work; I was elected to the lowest office in the state to do what I could for those idle miners. I am going to keep my promise. I wonder if he will. Therefore I ask the membership of this House to vote "no" on House Bill 1221 and help the idle miners.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Matthew J. Walsh, Weiss and Check requested a verification of the roll.

The roll was verified and was as follows:

YEAS—111

Ackermann,	Eckels,	Knoble,	Serrill,
Alspach,	Ely,	Kowalski,	Simons,
Atkins,	Ewing,	Krise,	Sloan,
Auker,	Fisher,	Leisey,	Snyder,
Balliet,	Fiss,	Lichtenwalter,	Sollenberger,
Bardes,	Fleming,	Lyons,	Stambaugh,
Boorse,	Foor,	Madden,	Stewart,
Boose,	Freed,	Marr,	Stockham,
Boyd,	Fullerton,	Matthews,	Sweeney,
Bretherick,	Gates,	McClester,	Tahl,
Bronson,	Gillan,	McGarrity,	Taylor,
Brown, S. W.,	Gillette,	McKinney,	Terry,
Brunner,	Goll,	McNally,	Thistle,
Cadwalader,	Habbyshaw,	McVay,	Thompson, G. R.,
Calvin,	Haines,	Moser, J. L.,	Tiemann,
Carpenter,	Hall,	Muir,	Trout,
Christler,	Harbeson,	O'Dare,	VanAllsburg,
Clark,	Henry,	Peale,	Voorhees,
Clearwater,	Hewitt,	Reagan,	Webster,
Cook,	Hocke,	Reese, D. P.,	Wilson,
Cooper,	Hoffman, J. N.,	Riley,	Winner,
Cordier,	Hoyt,	Robertson,	Wood, H. M.,
Cortese,	Huntley,	Rose,	Wood, L. H.,
Curran,	Imbrie,	Roseberry,	Wood, N.,
Dalrymple,	James,	Royer,	Woodside,
Denman,	Johnston,	Sarge,	Yeakel,
Dick,	Jones,	Schrock,	Turner,
Dix,	Kane,	Seif,	Speaker.

NAYS—81

Achterman,	Downey,	Malone,	Rooney,
Allen,	Falkenstein,	McLane,	Rosenfeld,
Andrews,	Fauset,	Melchiorre,	Rothenberger,
Baker,	Finnerty,	Mihm,	Sarraf,
Balthaser,	Furman,	Mooney,	Scanlon,
Bennett,	Gorski,	Moran,	Schrope,
Bohn,	Harkins,	Moser, F. S.,	Schwab,
Boies,	Hess,	Munley,	Shaw,
Boney,	Hindman,	O'Brien,	Stank,
Bower,	Hoffman, S. K.,	O'Connor,	Tarr,
Brancato,	Holland,	O'Keefe,	Tronzo,
Broad,	Keenan,	Ominsky,	Van Belle,
Brown, H. S.,	Kenehan,	O'Neill,	Wagner,
Burns,	Kline,	Powers,	Walsh,
Check,	Lee,	Preston,	Watkins,
Chervenak,	Levy,	Readinger,	Weiss,
Cohen, H. B.,	Leydic,	Reese, R. E.	Welsh, E. B.,
Cohen, R. E.,	Long,	Regan,	Welsh, M. J.,
DeNote,	Lovett,	Reynolds,	Westrick,
Donohoe,	Malloy,	Rider,	Wilkinson,
			Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

EXCUSED FROM VOTING

Mr. PEACOCK asked and obtained consent to be excused from voting.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 17, 1939.

Resolved, (if the House of Representatives concur), That Senate Bill No. 661, Printer's No. 90, entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Mr. WOODSIDE. HOUSE BILL No. 1550.

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a certain portion of its work.

Referred to the Committee on Appropriations.

By Messrs. NORMAN WOOD and WOODSIDE. HOUSE BILL No. 1551.

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

By Messrs. NORMAN WOOD and WOODSIDE. HOUSE BILL No. 1552.

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the Public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine.

Referred to the Committee on Appropriations.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 193.

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the Governor providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 4, by striking out the heavy-faced bracket before the word "judges"; also same page, line 5, by striking out the heavy-faced bracket after the word "pleas"; also same line by striking out the word "Governor."

Amend Section 2, page 2, line 14, by striking out the heavy-faced bracket before the word "a"; also same page, line 16, by striking out the heavy-faced bracket after the word "judges"; also same line, by striking out the words "the Governor."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. OMINSKY. Mr. Speaker and members of the House, much as I dislike to detain the members of the House at this time, I feel it is our duty to point out that this amendment which was inserted by the Senate does not make the bill satisfactory.

This bill increases the assessors in Philadelphia. The membership of this House will recall that on April 18 I offered an amendment which proposed in some way to help the situation, but this House saw fit to turn the amendment down. Fortunately the Senate inserted some amendments in the bill and now the majority membership of this House is going to eat crow and accept the amendments which were inserted by the Senate but which were turned down when I offered them in the House.

I want to point out that this bill is still objectionable because it will increase the number of assessors. I want to point out that this bill, if passed and approved by the Governor, will of necessity increase the budget in Philadelphia a quarter of a million dollars a year and will increase the financial dilemma which Philadelphia finds itself in at the present time. Under the circumstances this bill is a bad bill. It is a bill to increase jobs for the Philadelphia politicians; it will increase taxation in Philadelphia and generally it should not be passed at this time because if it is it is another indication that the majority members of this House, and especially the Republican members from Philadelphia are against the City Charter, otherwise they would not need this bill.

Mr. VAN BELLE. Mr. Speaker and members of the House, I am one of the Republican members who is not eating crow on this bill. In fact I was the only Republican member from Philadelphia who voted against the bill and although I did not file my reasons, I voted against the bill because I campaigned on the platform of home rule. The appointive power that was vested in the Governor was objectionable to me. I thought that appointive power should rest in some local authority. Inasmuch as the Senate has justified my action by inserting the amendment which takes care of that part of my objection, I now exhort the members of the House to go along in concurrence in the Senate amendments.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—125

Ackermann,	Ewing,	Lee,	Simons,
Alspach,	Fisher,	Leisey,	Sloan,
Atkins,	Fiss,	Leydic,	Snyder,
Auker,	Fleming,	Lichtenwalter,	Sollenberger,
Balliet,	Foor,	Lyons,	Stambaugh,
Boorse,	Freed,	Madden,	Stewart,
Boose,	Fullerton,	Marr,	Stockham,
Bower,	Gates,	Matthews,	Sweeney,
Boyd,	Gillan,	McClester,	Tahl,
Bretherick,	Gillette,	McGarrity,	Taylor,
Bronson,	Goll,	McKinney,	Terry,
Brown, S. W.,	Habbyshaw,	McNally,	Thistle,
Brunner,	Haines,	McVay,	Thompson, G. R.,
Cadwalader,	Hall,	Montgomery,	Tiemann,
Calvin,	Hamilton,	Moser, F. S.,	Trout,
Carpenter,	Harbeson,	Moser, J. L.,	VanAllsburg,
Christler,	Haudenshield,	Muir,	Van Belle,
Clark,	Henry,	O'Dare,	Voorhees,
Clearwater,	Hewitt,	Peacock,	Wagner,
Cook,	Hocke,	Peale,	Watkins,
Cooper,	Hoffman, J. N.,	Reagan,	Webster,
Cordier,	Hoyt,	Reese, D. P.,	Wilkinson,
Cortese,	Huntley,	Riley,	Wilson,
Curran,	Imbrie,	Robertson,	Winner,
Dalrymple,	James,	Rose,	Wood, H. M.,
Denman,	Johnston,	Roseberry,	Wood, L. H.,
Dick,	Jones,	Royer,	Wood, N.,
Dix,	Kane,	Sarge,	Woodside,
Donahue,	Kline,	Schrock,	Yeakel,
Eckels,	Knoble,	Self,	Turner,
Ely,	Kowalski,	Serrill,	Speaker.
	Krise,	Shearer,	

NAYS—67

Achterman,	Furman,	Mihm,	Rosenfeld,
Balthaser,	Gorski,	Mooney,	Rothenberger,
Bohn,	Harkins,	Moran,	Sarraf,
Boles,	Hess,	Munley,	Scanlon,
Boney,	Hindman,	O'Brien,	Schrope,
Brancato,	Hoffman, S. K.,	O'Connor,	Schwab,
Brown, H. S.,	Holland,	O'Keefe,	Shaw,
Burns,	Keenan,	Ominsky,	Stank,
Check,	Kenehan,	O'Neill,	Thompson, E. F.,
Chervenak,	Kilroy,	Powers,	Tronzo,
Cohen, R. E.,	Levy,	Preston,	Walsh,
DeNote,	Long,	Readinger,	Weiss,
Donohoe,	Lovett	Reese, R. E.,	Welsh, E. B.,
Downey,	Malloy,	Regan,	Welsh, M. J.,
Falkenstein,	Malone,	Reynolds,	Westrick,
Fauset,	McLane,	Rider,	Williams,
Finnerty,	Melchiorre,	Rooney,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTIONS

RECALLING HOUSE BILL No. 1193 FROM THE GOVERNOR

Mr. HABBYSHAW offered the following resolution which was twice read, considered ond adopted:

In the House of Representatives, May 17, 1939.

Resolved (if the Senate concur), that House Bill No. 1193, Printer's No. 362, entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots," be recalled from the Governor for purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1212 FROM THE GOVERNOR

Mr. KANE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 17, 1939.

Resolved (if the Senate concur), that House Bill No. 1212, Printer's No. 396, entitled "An act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 474.

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for five minutes. Are there objections? The Chair hears none and declares a recess for five minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Ellwood J. Turner) in the Chair.

REPORTS FROM COMMITTEES

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 1550, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a certain portion of its work.

Mr. MATTHEW J. WELSH from the Committee on Appropriations reported as committed, House Bill No. 1312, entitled:

An Act making an appropriation to the Department of Pennsylvania Grand Army of the Republic.

Mr. CORDIER from the Committee on Appropriations reported as committed, House Bill No. 1552, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine.

Mr. JAMES from the Committee on Appropriations reported as committed, House Bill No. 618, entitled:

An Act making an appropriation to the Department of Military Affairs to defray the expenses of the Pennsylvania National Guard in taking part in the parade in connection with the annual encampment of the Grand Army of the Republic.

Mr. McVAY from the Committee on Appropriations reported as amended, House Bill No. 110, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History; and creating a commission for such purposes.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 327, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2723), entitled "An act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes, and streams, title to which is in the Commonwealth, have been and are occupied or encroached upon; and making an appropriation," and lapsing the unobligated balance of the appropriation made thereby.

Mr. WINNER from the Committee on Appropriations reported as committed, House Bill No. 1551, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

Mr. TROUT from the Committee on Highways reported as committed, House Bill No. 1113, entitled:

An Act authorizing the appointment of a joint committee to make an investigation and survey of the construction and maintenance of public roads, streets, highways and bridges within the Commonwealth, and the laws relating thereto; to study and report to the Legislature its findings based upon such survey; giving it authority to sit after the adjournment of the Legislature and compel the attendance of witnesses and the production of books and papers; and to employ and fix the compensation of necessary employees; and making an appropriation from the Motor License Fund to meet the expenses of said joint committee.

Mr. MUIR from the Committee on Appropriations reported as amended, House Bill No. 188, entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws, relating to soldiers, sailors and marines, their dependents, and war veteran organizations; and making an appropriation.

Mr. McKINNEY from the Committee on Appropriations reported as committed, House Bill No. 1496, entitled:

An Act making an appropriation from the Flood Control Fund to the Department of Forests and waters for the payment of repairs and construction to certain dikes.

Mr. BRUNNER from the Committee on Judiciary Special reported as committed, House Bill No. 1459, (Senate Bill No. 169), entitled:

An Act relating to parks farms glens or picnic grounds owned and operated by charitable associations for the use of the public without charge authorizing the adoption of rules and regulations pertaining to such property providing for the appointment of park policemen for their enforcement imposing penalties for violations thereof and extending the jurisdiction of aldermen and justices of the peace thereto.

Mr. FRANK S. MOSER from the Committee on Judiciary Special reported as committed, House Bill No. 1523, (Senate Bill No. 152), entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the Board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors and providing penalties therefor and for other cognate purposes.

Mr. MORAN from the Committee on Labor reported as committed, House Bill No. 1532, (Senate Bill No. 25), entitled:

An Act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time.

Mr. CHRISTLER from the Committee on Cities—Second Class reported as committed, House Bill No. 1486 (Senate Bill No. 274), entitled:

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class providing for their office office supplies and clerical assistance and providing for their compensation and the payment of the same by the county.

Mr. WATKINS from the Committee on Appropriations re-reported as committed, House Bill No. 1335, entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof.

Mr. WATKINS from the Committee on Appropriations re-reported as committed, House Bill No. 1336, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

Mr. FISS from the Committee on State Government re-reported as amended, House Bill No. 40, entitled:

An Act to further amend subsection two of section one and section three of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by creating the office of Secretary of the House of Representatives creating the office of executive secretary to the chief clerk and secretary fixing their compensation and the duties of the Secretary and providing for their election and appointment.

Mr. MUIR from the Committee on Highways reported as committed, House Resolution No. 76.

BILL RE-REFERRED

Mr. PEACOCK returned from the Committee on Highways with the recommendation that it be re-referred to the Committee on Judiciary General, House Bill No. 813, (Senate Bill No. 199), entitled:

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases.

The SPEAKER. The bill is now re-referred to the Committee on Judiciary General.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 193.

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Agriculture, Thursday, at 11 a. m. in Room 325.

Banking, Thursday, at 11:30 a. m. in Room 324.

Military Affairs, Thursday, at 11:30 a. m. in Room 541.

Municipal Corporations, Thursday, at 11 a. m. in Room 546.

Welfare, Thursday, at 11 a. m. in Room 323.

ADJOURNMENT

Mr. O'BRIEN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 3:18 p. m.) the House adjourned until Thursday, May 18, 1939, at 12 noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., THURSDAY, MAY 18, 1939. No. 58.

SENATE

THURSDAY, May 18, 1939.

The Senate met at 12:00 o'clock, noon, E. S. T.

The PRESIDENT PRO TEMPORE (Frederick T. Gelder), in the Chair.

PRAYER

In the absence of the chaplain, the Reverend FRANK W. RUTH offered the following prayer:

Oh, Lord, God of our fathers, on this Holy Day of Ascension we come into Thy presence rejoicing at this, the great victory which Thou hast won over death and the grave; and Thou hast assured us thereby that if we follow in Thy footsteps we, too, shall use the grave as a doorway out of this life of turmoil and trouble into the eternal life of peace, joy and happiness.

May we so live in this world that when that time comes, which is uncertain for each one of us, and we shall enter the grave, we shall enter sure that we shall use it merely as a door to enter into life eternal.

We pray Thy blessing upon this world and this Holy Day, that it may bring peace and joy and contentment instead of strife and discord, so that Thy name may have all the honor and the glory in a world without end. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. SHAPIRO, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in this morning's paper there appeared a statement that there had been some conferences with the Governor of the Commonwealth in connection with the relief bill known as the Van Allsburg bill, and in reciting the story the gentleman that published it, inadvertently, through no fault of his own, used my name as one of the conferees.

I want to make this public acknowldgment that I would be very happy to see the Governor at any time he requests my presence, but under the circumstances the statement was false. I have not seen the Governor with regard to the Van Allsburg bill or the other relief bills. I am not ready to compromise on those bills. I believe they are unnecessary and I believe the relief system as set up can be properly worked. I believe those bills are purely an effort to secure jobs from one group of political people in order to give them to another group, and under those circumstances I think the situation can be permitted to remain as it is and I think civil service ought to be strengthened rather than weakened.

The PRESIDENT. The remarks of the Senator from Philadelphia, Mr. Shapiro, will be spread upon the Journal.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, I also saw in the press that I was named as one of the sub-committee of the Committee on Welfare to revise the Van Allsburg Welfare Bill.

I have not attended any meetings, I have had nothing to do with drafting any legislation on this subject, although I have been in the press that this bill has been gone over and prepared and submitted to the Republican caucus.

I wish to state that I have had nothing to do with the drawing of a new bill or revising the old Van Allsburg bill, and when the proper time comes I will express my views and my vote on this problem.

The PRESIDENT. The remarks of the Senator from Washington will be spread upon the Journal.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED RESOLUTION RECALLING SENATE BILL No. 661.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 661, Printer's No. 90, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

Which was laid on the table.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 176

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 176, entitled:

An Act to amend section two of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law" requiring returns and payment of tax for one thousand nine hundred and thirty-nine and subsequent years on personal property of a decedent in the county of his domicile.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Frederick T. Gelder), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 193, entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment by the board of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employes; fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws.

House Bill No. 474, entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "General State Authority Act," fixing terms for the appointed members of the General State Authority, and terminating the terms of present members.

House Bill No. 176, entitled:

An Act to amend section two of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law" requiring returns and payment of tax for one thousand nine hundred and thirty-nine and subsequent years on personal property of a decedent in the county of his domicile.

House Bill No. 1424, entitled:

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 1425, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

House Bill No. 1426, entitled:

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Whereupon,

The PRESIDENT PRO TEMPORE (Frederick T. Gelder), in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 385, (Senate Bill No. 1087), entitled:

An Act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation for the expenses of such commission.

Which was committed to the Committee on Appropriations.

House Bill No. 717, (Senate Bill No. 1088), entitled:

An Act to further amend section nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "Optometrists Licensure Law," further regulating the granting, suspension and revocation of the licenses of optometrists.

Which was committed to the Committee on Public Health.

House Bill No. 1252, (Senate Bill No. 1089), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Which was committed to the Committee on Appropriations.

House Bill No. 1299, (Senate Bill No. 1090), entitled:

An Act to amend section one of the act approved the twenty-eighth day of June, one thousand nine hundred and seventeen, (P. L. 645), entitled "Fictitious Names Registration Law" as amended; excluding from the provisions of said act all limited partnerships and members thereof for which a certificate is filed in the office of the recorder of deeds.

Which was committed to the Committee on Judiciary General.

House Bill No. 1445, (Senate Bill No. 1091), entitled:

An Act to amend subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "The Support Law," by exempting certain property from execution in certain cases.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 1448, (Senate Bill No. 1092), entitled:

An Act to amend sections one hundred two, four hundred three, and five hundred one, and subsection (c), of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "County Institution District Law," by defining "Public Charges"; and providing for loss of settlement under certain circumstances.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 1221, (Senate Bill No. 1093), entitled:

An Act relating to the Anthracite Industry; creating the Pennsylvania Anthracite Commission; establishing its jurisdiction, powers and duties; providing for an Anthracite Producers' Advisory Board; regulating the production and marketing of anthracite within the Commonwealth; assigning production quotas to producers of anthracite: fixing minimum prices for the sale of anthracite by producers; prescribing standards of sizing, purity and grading for anthracite; levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite, and the development of anthracite burning devices and additional uses for anthracite; eliminating unfair discrimination in wage and hour standards in anthracite mining operations; authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite; providing for the licensing of anthracite producers and for the granting, refusal, suspension and revocation of such licenses; providing for appeals to the courts of the Commonwealth from the orders of said Commission; creating a special fund in the State Treasury into which the taxes, fees, fines and penalties arising under the Act are to be paid; appropriating the monies in said fund and making a temporary appropriation to said fund; and providing penalties and remedies for violations of the provisions of the Act and the rules, regulations and orders of the Commission.

Which was committed to the Committee on Mines and Mining.

REPORTS FROM COMMITTEES

Mr. EDMONDS, from the Committee on Judiciary General, reported as amended, Senate Bill No. 146, entitled:

An Act authorizing banks, trust companies or other banking institutions to pay to the surviving spouse next of kin or creditors of a deceased depositor under certain circumstances when such checking account, savings account or certificate of deposit does not exceed the sum of one hundred fifty dollars ($150.00).

Mr. BARTLETT, from the Committee on Public Health, re-reported as amended, Senate Bill No. 843, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, establishing a Dairy Advisory Council in the Department of Health; conferring powers and imposing duties thereon; defining certain qualities for milk; providing for inspection of and standards for dairy farms and milk plants; providing for the administration of the act and the establishment of rules and regulations thereunder and for appeals to the court of Common Pleas of Dauphin County therefrom and imposing penalties and repealing certain acts and parts thereof.

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 1048, (House Bill No. 500), entitled:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of opthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of such case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 1035, (House Bill No. 878), entitled:

An Act to further amend the fourth paragraph of section one of and to add new sections two and three to the act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-five) entitled "An act providing for the registration of bottles boxes siphons siphon-heads tins kegs cans soda-fountains cylinders of carbonic acid gas or other containers and forbidding the refilling of or dealing or trafficking in such registered bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers by persons other than the owners thereof without the written consent of the owner and imposing a penalty therefor providing for the issuing of process in the nature of search warrant providing what shall be prima facie proof thereof and providing that the delivery of said bottles boxes siphons siphon-heads tins cans kegs soda-fountains cylinders of carbonic acid gas or other containers shall not constitute a sale thereof" by providing for imprisonment for violations by providing injunctive relief and including a severability clause

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 1034, (House Bill No. 791), entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing certain restrictions as to dams and other projects.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 1013, (House Bill No. 138), entitled:

An Act to further amend section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the sal-

aries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by requiring certain qualifications for the Adjutant General and providing for the designation of a Deputy Adjutant General as acting Adjutant General under certain circumstances

He also, from the Committee on State Government, reported as amended, Senate Bill No. 535, entitled:

An Act to amend the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 430), entitled "An act providing penalties for trespassing on grounds of State institutions and for refusing to leave such grounds after notice;" providing additional powers and duties for watchmen and guards employed by State institutions for the protection of the Commonwealth's property, and the arrest of offenders.

Mr. WOLFENDEN, from the Committee on Appropriations, reported as committed, Senate Bill No. 1045, (House Bill No. 255), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

Mr. SCARLETT, from the Committee on Law and Order, reported as committed Senate Bill No. 1070, (House Bill No. 607), entitled:

An Act prohibiting in any city of the first, second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold and providing penalties.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 1046, (House Bill No. 258), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

Mr. SNOWDEN, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 997, entitled:

An Act to amend sections two hundred and twenty and two hundred and eighty-five of the act, apprved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth together with the rights of ingress and egress to and from such waters.

He also, from the Committee on State Government, reported as amended, Senate Bill No. 542, entitled:

An Act to amend section two thousand three hundred sixteen, and section two thousand three hundred eighteen as amended, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," giving the Department of Welfare regulatory powers over private institutions and agencies which receive State-aid, and providing for the management, under the provisions of said act of the State Hospital for the Insane of Philadelphia County, by the Board of Trustees of the Philadelphia State Hospital.

Mr. MALLERY, from the Committee on Appropriations, reported as committed, Senate Bill No. 1043, (House Bill No. 22), entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1051, (House Bill No. 976), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Mr. STEVENSON, from the Committee on Municipal Government, reported as amended, Senate Bill No. 595, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government; and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts of common pleas and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities.

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 861, (House Bill No. 601), entitled:

An Act to amend clause six of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, changing the minimum salaries of certain teachers in junior high schools of third class districts.

He also, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 307, (House Bill No. 408), entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred seven (P. L. 527), entitled "An act establishing precautionary regulations to

prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

Mr. McCREESH, from the Committee on Law and Order, reported as committed, Senate Bill No. 1079, (House Bill No. 1356), entitled:

An Act to amend clause (a) of section six hundred and nine of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, permitting hotel, restaurant, and club licensees to own land, but not the buildings thereon, where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law.

Mr. EDMONDS, from the Committee on Appropriations, reported as committed, Senate Bill No. 1047, (House Bill No. 433), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1053, (House Bill No. 1083), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Mr. DEITRICK, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 834, (House Bill No. 721), entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-two), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," by deferring the operation of the act for a further period of time.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 869, (House Bill No. 867), entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" defining responsibility for burial providing for separate administration, by county boards of assistance, of certain types of public assistance, designated "general assisitance and pensions"; regulating the employment and dismissal of employes therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of sub-committees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit agencies; changing the definition of dependent children the maximum property allowances for pensions to blind persons, and the general qualifications for assistance; and changing and adding to penal provisions.

with the request that it be recommitted to the Committee on Welfare, Public Assistance and Pensions after two readings.

Mr. MUNDY, from the Committee on Public Health, re-ported as amended, Senate Bill No. 778, (House Bill No. 709), entitled:

An Act for the protection of the public health by prohibiting the adulteration, misbranding, false labeling and false advertising of drugs, including cosmetics and of instruments, apparatus contrivances, accessories and other devices used in the diagnosis, cure, mitigation, treatment and prevention of disease; providing for issuance of permits for the manufacturing of drugs and cosmetics, the detention, embargoing, seizure and destructions of unlawful drugs, cosmetics and devices; regulating dealing in new drugs; conferring powers and imposing duties on the State Board of Pharmacy and providing penalties.

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1083, entitled:

An Act to further amend sections one and four of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 1017), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by extending the provisions thereof to include grand jury investigations.

Mr. THOMAS, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 448, (House Bill No. 394), entitled:

An Act to further amend section one of the act approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or cor-

porations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools in cities of the second class and imposing fines, penalties and forfeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

BILLS INTRODUCED

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 1094, entitled:

An Act to further amend section one of the act, approved the ninth day of July, one thousand nine hundred and nineteen (P. L. 794), entitled "An act providing that estates in buildings, ground, books, curios, pictures, statutary and other works of art, passing by will to any municipally, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," by extending the exemption to include such estates passing through the exercise by any person of a power of appointment with respect thereto, whether the donor of such power died before or after the date of the said act, and to estates in any moneys and funds given in connection with any of the estates described.

Which was committed to the Committee on Finance.

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 1095, entitled:

An Act requiring courts of common pleas sitting as orphans' courts in certain judicial districts, to audit and adjudicate all partial and final accounts without reference to an auditor or master.

Which was committed to the Committee on Judiciary General.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 1096, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission, in the acquisition of additional lands.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. EDMONDS. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on State Government, reported as amended, Senate Bill No. 784, (House Bill No. 1131), entitled:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General by increasing the compensation of the members of said board by making further provision with regard to the procedure of said board and the disposition by it and payment of costs of proceedings before it.

Mr. RICE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Appropriations, reported as committed, Senate Bill No. 1056, (House Bill No. 1198), entitled:

An Act making an appropriation to aid certain school districts.

HOUSE MESSAGE

HOUSE NON-CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 74

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 74, entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" as amended, providing for the appointment, the term, and compensation of county detectives in counties of the fifth class.

MOTION TO APPOINT CONFERENCE COMMITTEE

Mr. OWLET. Mr. President, I move that the Senate insist upon its amendments non-concurred in by the House of Representatives, and appoint a Committee of Conference to confer with a similar Committee of the House of Representatives (if the House of Representatives shall appoint such a Committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL NO. 226—SPECIAL ORDER OF BUSINESS

The PRESIDENT. The Chair calls attention of the Senate to the fact that we have a special order of business on page 17 of today's Calendar, entitled: "Special Order on Third Reading Postponed, Thursday, May 18, at 2 p. m., E. S. T." That hour has now arrived.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 226, on third reading, special order of business, entitled:

An Act abolishing the Oil Industry Investigation Commission terminating the terms of its members and lapsing the unobligated balance of any appropriation made therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that the request or motion of the gentleman from Tioga is out of order. This is a special order of business for today.

The PRESIDENT. The Chair rules that the bill is in

possession of the Senate and that this matter can be determined in any way the Senate sees fit; therefore the point of order of the Senator from Fayette is not well taken.

If there is no objection to the request of the Senator from Tioga the bill will go over in its order.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 267, (House Bill No. 449), on third reading postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL DROPPED FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 267, (House Bill No. 449), on third reading, postponed, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to the Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

be dropped from the Calendar.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, if there are to be any remarks on the motion I have some to make.

The PRESIDENT. The Chair hears no objection.

Mr. CAVALCANTE. Mr. President, this bill has been on the calendar for a long period of time. I am now speaking on the motion to drop it from the calendar and it is necessary to review the history that has preceded this bill on the calendar.

I will have to review the presence of this bill on the calendar, and the possibility of its passage or defeat. For a long time the Democratic Caucus has been advised and kept advised of the presence of this bill on the calendar, and the possibility of its passage or its defeat was used in order to compromise or affect settlement with the majority party of this Senate.

The history back of this bill that was told to the Democratic Caucus was, that in order to defeat the purposes of this bill the Democratic Caucus was to agree to confirmations of executive nominations; the presence on the calendar of this bill, and the possibility of its passage or defeat, was being used to compromise and effect the passage of other legislation.

Now, Mr. President, I do now charge that this bill is known to the Republican administration as being a bad piece of legislation, politically, for the Republican administration. That same fact has been known to all sound-thinking Democratic members of this Caucus. I also charge that my good friend from Tioga, Senator Owlett, has for once shown his political astuteness on the floor of this Senate and completely humbled the Democratic minority by keeping this bill on the calendar and threatening us with the passage of it. He has succeeded very admirably in that piece of strategy; the Democratic Caucus has been deceived by someone into believing that the Republican side of this Senate had sufficient votes to pass this bill, if the Democratic members of this Senate did not go along with certain things that the Republicans wanted passed.

I charge him now openly and publicly, and I do that because I sincerely beleive in the welfare of the Democratic party; and I beleive in the welfare of the Democratic party because I believe in the two-party system of government we have. I do not deny to the Republican members of this Senate the right to so comport and conduct themselves as will result to the best interests of the Republican party, and I say also that the presence of this bill on the Calendar and the possibility of its passage or defeat has been used to promote the political expediency of one party or the other; and the gentleman from Tioga with his astuteness once at least has succeeded in humbling the Democratic members of the Caucus in using this bill to get accomplished the things that he would not have otherwise accomplished, in the matter of executive nominations and also in the passage of legislation.

Mr. President, I know as a fact, the same as the gentleman from Tioga knows as a fact, that there are not sufficient Republican votes on the other side—even if we concede to them two of our own members on this side—they do not have enough votes to pass this bill, and they have known that all the time that this bill has been on the Calendar; yet the Democratic Caucus has been deceived, deliberately deceived into believing—and the belief was fostered upon it—that if we did not agree to certain confirmations, if we did not agree to the passage of certain bills, that this bill now on the calendar would be passed, ripping out the Democratic members of the Public Utility Commission and with them would go the patronge that is under them.

Well, I want it specifically understood that as far as I am concerned I have not yet reached that lowness in level that I am going to barter off the welfare of the people of the State of Pennsylvania or the welfare of my party for patronage or jobs, whether they are under the Public Utility Commission, the State Authority Commission or any other department of this government. The welfare of my party is wrapped up in the welfare of the people of this Commonwealth.

I say that this bill—I charge openly and I challenge rebuttal, I challenge denial of it—I say that the Republican side of this House has never had and does not at this present time have sufficient votes to pass this bill, and

they have known that from the very moment that this bill came out; yet by some means or other the Democratic caucus has been deceived in believing that, if we did not go along with the Republican Party, this Public Utility Commission would be ripped out. Now, Mr. President, this is the test of whether what I say is right or not: if you are for the passage of this bill you will vote to keep it on the Calendar and if you are opposed to the bill, if you do not want the bill on the Calendar, then vote to drop it from the Calendar and let us get rid of this sham, this fake, this double dealing, this selling down the river of the Democratic party.

Mr. SHAPIRO. Mr. President, I rather enjoy this bill being on the Calendar and I think it should stay a little longer. This bill being on the Calendar has enabled me to get a little closer to the Big Bad Wolf from Tioga County, so that I have been able to occasionally discuss with him some matters of importance which are not yet on the Calendar, and the longer this bill stays on the Calendar the closer I will get to the Senator from Tioga; and I am sure I will have a great deal of influence over him so that we will be able to straighten out some of the affairs of the State that are more important than any bills that have been on the Calendar up to this time.

I want to say, seriously, I never sought and never agreed to any arrangement between the Republicans and the Democrats about this bill. I tried to induce the gentlemen on the other side to drop this bill from the Calendar, purely on the basis of the Constitutional question involved. I have not succeeded in getting the gentleman to agree that it was. I know several members on the other side who do not feel this is a proper bill to pass.

I might have said up until now I too agreed and felt that there were not enough votes on the other side to pass this bill, but I am afraid maybe there will be if this kind of proceeding is kept up.

I want to clear the Democratic Caucus, and myself, and the gentleman from Tioga of any agreement of this kind. At a conference in which this bill was discussed, and the only conference at which it was discussed, the gentleman from Somerset, the gentleman from Adams, the gentleman from Tioga and myself were present, and it was suggested that it would be good legislation and decent tactics not to pass this bill, because we would give up a Constitutional right, a right given to the Senate in the Constitution, and the gentleman from Tioga expressly said he certainly could not agree with that because he did not agree with my position.

The gentleman from Somerset, Mr. Ealy, expressed his opinion on this bill on the floor.

At no time was there any agreement. I go further and state that at no time did anybody tell the Caucus there was an agreement on this bill; I will go further and state that the Caucus was expressly told there was no agreement on this bill; the Caucus was told that if there were a little more co-operation on this side of the house there might be more co-operation on the other side of the House; and that was the message that I, as the floor leader of the minority, told the Caucus—nothing more and nothing less.

Anybody who assumed that there was an agreement assumed so out of the whole cloth. There is not a member on the other side of the House who can say there was any agreement.

I am not worried about this bill being on the Calendar and I am not worried about its passage. If the gentlemen on the other side are not put in that position for their own self-protection, and public protection, they may be put in the position where they may have to vote on the bill in order to answer the charges that have been made. There is no basis and no truth in the charges, and certainly this is the first time I have ever heard that matters of this kind, if they did occur, were made the subject of public discussion.

If there is any such impression in the mind of the gentleman who makes the so-called charges maybe there are such impression in the minds of others. I am glad of this opportunity to make the statement that there is no basis in fact for the charges, rather, the so called charges made, and I hope the gentleman from Tioga will keep this bill on the calendar for a long time. I do not hope they will pass it. I hope they will not have enough votes to pass it.

Mr. CAVALCANTE. Mr. President, this is my fight on this bill, and I do not expect the gentleman from Tioga to defend any position that I might take in this matter, but I am not accustomed to building straw men and then, like pugilists of the first class, tear them down again.

If this bill, as stated by the gentleman from Philadelphia, Mr. Shapiro, is no good, if it has no effect, no useful purpose, may I ask the gentleman from Philadelphia what is it doing on the Calendar, when he knows that all bills that come up for our consideration that are no good, or have not been fully considered, are sent back to committee for further study or possible amendment. Why is this bill kept on the Calendar consistently, and all efforts to send it back to committee have been thwarted by himself and the gentleman from Tioga.

Mr. SHAPIRO. Mr. President, it is on the Calendar because the Republicans have twenty-seven votes. If I had twenty-seven votes it would be off the Calendar.

Mr. OWLETT. Mr. President, I certainly appreciate my colleague from Philadelphia, Senator Shapiro, stating the facts in reference to this bill, making it unnecessary for me to answer my colleague from Fayette.

Senator Shapiro correctly stated a fact, there has been no agreement of any kind whatsoever with reference to this bill. I explained yesterday, I think, it has been kept on the Calendar because of the fact we have not agreed as to certain provisions in the bill.

Some of the members on the Republican side think there ought to be a different wording in the bill. When we get ready to pass the bill we will at least attempt to pass it.

And the question recurring,

Will the Senate agree to the motion to drop the bill from the Calendar?

Mr. CAVALCANTE. Roll call, Mr. President.

Mr. REED. Mr. President, before the roll call, may I interrogate the gentleman from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. REED. Mr. President, I would like to ask the gentleman from Tioga, Mr. Owlett, whether, before the session closes, this bill will be passed.

Mr. OWLETT. Mr. President, in reply to the inquiry of the Senator from Washington, Mr. Reed, I am not a

prophet or the son of a prophet, and I do not know what this Senate will do on any bill.

Mr. REED. Mr. President, taking the past as a guide, I would say that the Senator from Tioga knows now whether he can pass a bill of this nature because he, with his Republican disciples, can pass any bill and have passed all the bills he wanted to pass.

Mr. SHAPIRO. What is the question, Mr. President?

The PRESIDENT. The question is shall the bill be dropped from the calendar.

Mr. SHAPIRO. Mr. President, I ask my colleagues to vote "aye" to that.

And the question recurring?

Will the Senate agree to the motion to drop the bill from the Calendar?

Mr. HALUSKA. Mr. President, I desire to know how the gentleman from Philadelphia, Mr. Jaspan, voted.

The PRESIDENT. The clerk informs the Chair the gentleman from Philadelphia, Mr. Jaspan, did not vote.

Mr. HALUSKA. Mr. President, it is not compulsory for the gentleman to cast his vote?

Mr JASPAN. Mr. President, I will now vote, if the gentleman from Cambria desires. I will vote "aye". I could not vote until the roll was called.

The yeas and nays were required by Mr. CAVALCANTE, and were as follows, viz:

YEAS—22

Cavalcante,	Frey,	Lanius,	Rice,
Coleman,	Gilson,	McCreesh,	Ruth,
Dando,	Haluska,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Reed,	Stiefel,
Eroe,	Kilgallen,		

NAYS—25

Bartlett,	Geltz,	Owlett,	Thomas,
Chapman,	Heyburn,	Pierson,	Walker,
Crowe,	Homsher,	Scarlett,	Wolfenden,
Deitrick,	James,	Snowden,	Woodward,
Ealy,	Letzler,	Stevenson,	Gelder,
Edmonds,	Mallery,	Tallman,	Pres. Pro. Tem.
Farrell,	Miller,		

So the question was determined in the negative.

MOTION TO RECOMMIT

Mr. CAVALCANTE. Mr. President, complying with the request or in order to give effect to the suggestion of the gentleman from Tioga, I now move that Senate Bill No. 267 be recommitted to the Committee on Public Utilities, the committee from which it came, for the purpose of amendment and consideration along the lines suggested by the gentleman from Tioga.

Mr. REED. Mr. President, I second the motion.

On the the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT, and were as follows, viz:

YEAS—22

Cavalcante,	Frey,	Lanius,	Rice,
Coleman,	Gilson,	McCreesh,	Ruth,
Dando,	Haluska,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Reed,	Stiefel,
Eroe,	Kilgallen,		

NAYS—25

Bartlett,	Geltz,	Owlett,	Thomas,
Chapman,	Heyburn,	Pierson,	Walker,
Crowe,	Homsher,	Scarlett,	Wolfenden,
Deitrick,	James,	Snowden,	Woodward,
Ealy,	Letzler,	Stevenson,	Gelder,
Edmonds,	Mallery,	Tallman,	Pres. Pro. Tem.
Farrell,	Miller,		

So the question was determined in the negative.

SENATE BILL No. 661 (HOUSE BILL No. 1431) RECALLED FROM THE GOVERNOR FOR THE PURPOSE OF AMENDMENT

Mr. WOLFENDEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 661 (Printer's No. 90) that is lying on the table, which was recalled from the Governor for the purpose of amendment.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the matter before the Senate at this time is the consideration of Senate Bill No. 267. The action just dispensed with was the defeat of the motion to recommit, but the bill is before the Senate right now.

The PRESIDENT. The point of order of the Senator from Fayette is well taken.

BILL POSTPONED

Mr. OWLETT. Mr. President. I move that further consideration of Senate Bill No. 267. (House Bill No. 449), on third reading, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to the Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

be postponed for the present.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. OWLETT, and were as follows, viz:

YEAS—39

Bartlett,	Farrell,	McGinnis,	Snowden,
Chapman,	Frey,	Miller,	Stevenson,
Coleman,	Geltz,	Mundy,	Stiefel,
Crowe,	Gilson,	Owlett,	Tallman,
Dando,	Heyburn,	Pierson,	Thomas,
Deitrick,	Homsher,	Rice,	Walker,
DiSilvestro,	James,	Ruth,	Wolfenden,
Ealy,	Letzler,	Scarlett,	Woodward,
Edmonds,	Mallery,	Shapiro,	Gelder,
Eroe,	McCreesh,	Sipe,	Pres. Pro. Tem

NAYS—8

Cavalcante,	Haluska,	Jaspan,	Lanius,
Dent,	Jacobs,	Kilgallen,	Reed,

So the question was determined in the affirmative.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Allegheny, Mr. Walker, will state his question of parliamentary inquiry.

Mr. WALKER. Mr. President, I would like to know if the ride on the merry-go-round is now over.

The PRESIDENT. Time alone can answer that question.

RECONSIDERATION OF SENATE BILL No 661, (HOUSE BILL No. 1431)

Mr. WOLFENDEN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 661, (House Bill No. 1431), entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

was passed finally, May 5th, 1939, which was laid on the table.

The PRESIDENT. How did the Senator vote?

Mr. WOLFENDEN. Mr. President, I voted "aye."

Mr. CHAPMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CHAPMAN. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WOLFENDEN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WOLFENDEN. Mr. President, I voted "aye."

Mr. CHAPMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CHAPMAN. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I understand we are considering now taking a bill from the table, which has been recalled from the Governor for the purpose of amendment; the purpose is to amend the bill. The bill is not on the Calendar.

The PRESIDENT. The bill has been recalled from the Governor, and the Senator from Indiana, Mr. Wolfenden, is now moving that the vote by which this bill passed finally be reconsidered.

Mr. SHAPIRO. Then, Mr. President, the bill is not on the Calendar?

The PRESIDENT. The bill is not on today's Calendar.

Does the Senator from Indiana, Mr. Wolfenden, know on what day it last appeared on the Calendar?

Mr. WOLFENDEN. I cannot answer that, Mr. President.

The PRESIDENT. The encyclopedia from Philadelphia, will now inform us.

Mr. SHAPIRO. It passed through the Senate on May 1st, Mr. President.

Mr. WOLFENDEN. That is correct, Mr. President; it passed in the House on May 5.

An the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to amend page 1, title, by inserting after the word "of" and before the word "women" the following: "certain"; amend Section 1, page 1, line 6, by inserting after the word "thereof" and before the word "and" the following: "if no specific objection thereto is made by such woman"; amend Section 1, page 2, line 4, by inserting after the word "Pennsylvania" and before the word "and" the following: "if no specific objection thereto is made by such woman"; amend Section 3, page 2, line 24, by adding after the word "advisable" the following: "or because a specific objection thereto was made by such woman".

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, as I follow these amendments it means that the plan proposed is to be made permissive instead of obligatory.

Mr. WOLFENDEN. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, at whose suggestion is the amendment being made?

Mr. WOLFENDEN. Mr. President, the amendments are mine; but I do not see that it can concern the gentleman from Philadelphia at whose suggestion the amendments were made.

Mr. SHAPIRO. Mr. President, may I further suggest an answer to the gentleman. The bill is the gentleman's, as well as the amendments, and his bill came over in the original form and he asked us to vote for it. We did. The bill concerns me very much as to who is suggesting these amendments, because if someone who knows something about the matter is suggesting the amendments, I will be guided in my judgment; certainly, I am entitled to know who suggested the amendments, which, in my opinion, take the effectiveness of the bill away.

Mr. WOLFENDEN. Mr. President, the suggested amend-

ments do nothing to the bill except soften it. It also makes it a directory bill rather than a mandatory bill.

Mr. SHAPIRO. Mr. President, the gentleman has not answered my question, which is, and I will repeat it—I am sure he has not heard it—at whose suggestion were these amendments prepared?

Mr. WOLFENDEN. Mr. President, they were prepared after a conference with a number of people.

Mr. SHAPIRO. Mr. President, the gentleman still has not answered my question.

Mr. WOLFENDEN. Mr. President, I still maintain that the gentleman from Philadelphia is not asking a proper question.

Mr. SHAPIRO. Mr. President, the gentleman apparently does not want to answer the question and I cannot compel him to do so, but I do want to say this; I do not agree with those who framed this amendment. It is not a mandatory bill; what it does now is to prohibit what has been done before. Before this bill became a law it was customary in all hospitals to make these prenatal examinations unless there was objection. Now, with these amendments in the bill, you have to get the consent of the patients before you make the examinations, and now you are worse off than you were before, and that is silly, to have the Senate study this, come to a definite conclusion; and then after it was passed, open up the matter, take the bill and emasculate it. Before any hospital can take any prenatal examination it must get the consent of the woman, where before it has been a matter of course; there is no objection to it, it is just a routine matter as we did it. Now, instead of having prepared a permissive bill we have a prohibiting bill. I would like to know who it was that made the change and—correct me if I am wrong—it seems to me it will produce a very obvious result.

Mr. WOLFENDEN. Mr. President, the Senator from Philadelphia is still persisting in his question?

Mr. SHAPIRO. Mr. President, I would like to know who is responsible for this amendment, because as it stands now I propose to vote against this bill.

Mr. WOLFENDEN. Mr. President, I think the gentleman from Philadelphia is reading things into the bill that are not there. As I see the proposition it is this: the question is, are we going to take any steps towards the eradication of this evil? Now, if we pass this bill in this form we may not take as great a step as we would have taken had the bill been signed in its original form; but if you refuse to pass it in this form, you are taking absolutely no steps towards the eradication of this evil.

For the information of the gentleman from Philadelphia, many of the States have directoral bills, bills of this type; and it is merely a matter of opinion as to which type of bill works best. I do not want the gentleman from Philadelphia to vote against a bill merely because his opinion is that the bill should be mandatory. If he is interested in this social problem—and I know he is—I do hope that he and all his colleagues, on both sides of the House, will vote for the bill as amended, because a vote against it as amended might be misconstrued and I am sure the gentleman from Philadelphia would not want that.

Mr. SHAPIRO. Mr. President, I am only speaking against the amendments. I am not asking anybody to vote according to what I think; but I am going to vote against these amendments to the bill, because I am convinced, from reading this bill, that this bill has destroyed the very effect we tried to accomplish. The gentleman from Indiana knows, and we discussed—when the bill was first before the Senate for action, we discussed this very question and it was admitted on the floor—one of the arguments used by the gentleman to have it passed was that these examinations were made in the hospitals every day, but they are not taken when the patients object; it is a routine matter and there is seldom any objection, it has been going on in hundreds of thousands of cases in the hospital of which I happen to be a member of the board. We have established a prenatal clinic, and for years we have been doing this work. As this bill reads now it is that the physician "shall within fifteen days thereof, submit a sample to an approved laboratory." Now, that reads if the patient "consents," and submit a sample to an approved laboratory. Under that latter provision before this patient can be examined, before a test can be made, no matter which test is applied, there must be consent of the patient.

Now, there is nothing in the bill to show how the consent shall be obtained; and any time a hospital takes such a test and sometime later some woman feels aggrieved, or her husband, she will say she did not consent; we will have to protect ourselves by getting a written consent—and we will not get it—and it seems to me the penalty imposed would make it so dangerous for any physician in a hospital to do what we have been doing that you are spoiling the purpose of the act.

I know how anxious the Senator from Indiana, Mr. Wolfenden, is to have this bill passed, but I think we spent a lot of thought and time on this problem and we passed this bill once before and we can pass it again. If we are right in our position—and I contend that this consent clause in the amendment destroys the purpose; and not only that it stops the proceedings which have been going on up until now without this bill; and I do not think it is proper, in a matter of such importance, that we ought to pass this amendment without giving it some consideration; and that is why I want to know who are those people who wrote this amendment.

We have some rights in this matter. Consider those children that are born with this disease, who become subjects of public responsibility. When the public assumes that responsibility it is our privilege, if we are going to have the responsibility we want to be able to prevent or govern the very thing we are trying to accomplish.

Why try to pass this bill in a rush? Why not consider this matter? Let us know who these people are. It is silly to ruin this bill.

Mr. WOLFENDEN. Mr. President, do I understand from the remarks of the Senator from Philadelphia, Mr. Shapiro, that he objects to giving unanimous consent to consideration of the amendment.

Mr. SHAPIRO. Mr. President, I understand that the bill has been brought back to second reading and does not require unanimous consent.

The PRESIDENT. The Chair understands unanimous consent to introduce the amendment has been already given.

Mr. SHAPIRO. Mr. President, I am not raising any technical objection; I do not recollect whether that was given or not. I do not think that the bill ought to be passed.

Mr. WOLFENDEN. Mr. President, as I understand the matter we have unanimous consent to the amendment.

The PRESIDENT. You have unanimous consent to offer an amendment. The amendment is now before us and the Chair will put the motion to a vote when the discussion is finished.

Mr. WOLFENDEN. Mr. President, I will suggest that the bill be amended and amended now. We can vote on it and the gentleman from Philadelphia will have ample time and he can cast his vote either for or against the bill in its amended form.

Mr. MUNDY. Mr. President, I was very much interested, with the Senator from Indiana, in the preparation, in the passage of this bill. I have gleaned over the amendments and I am inclined to agree with the Senator from Philadelphia, Mr. Shapiro, in this respect, that the amendments will make it very dangerous for me in the practice of medicine to take a Wasserman in any case without the written consent of the patient. The danger of that is, or the practice is, we frequently take specimans of blood and probably say to the patient we are going to do something, some routine test, without notifying the individual; and after taking them we take it upon ourselves to do a routine Wasserman, but this bill will absolutely put the professional man under obligation to tell the patient definitely what he is going to do.

Mr. PRESIDENT I should like to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated

Mr. WOLFENDEN. Mr. President, it is one thing to be interrogated by the average lay-man member of this Senate, but it is entirely different to be interrogated by a doctor.

Mr. MUNDY. Mr. President, I do not desire to ask the Senator from Indiana a medical question, I just want to ask the Senator if he has taken this amendment up with the medical men who were originally consulted in connection with this bill.

Mr. WOLFENDEN. Mr. President, I did not take it up with all the medical men but I did take it up with some medical men. I do not think it will have the effect the Senator from Philadelphia says it will have. At least, that is my information.

Mr. MUNDY. Mr. President, I am anxious to get a good bill for the control of this problem but I do not want to see the effect of this bill destroyed by any amendment of this type, and I am sure the Senator from Indiana does not either, because he has talked to me along these lines, and I would feel very unhappy if this bill were defeated because of this amendment, because I think it is a very excellent bill.

And the question recurring,

Will the Senate agree to the amendments?

MOTION TO LAY AMENDMENTS ON THE TABLE

Mr. WOLFENDEN. Mr. President, I ask that the amendments be laid on the table.

Mr. SHAPIRO. Mr. Presidnnt, I second the motion.

On the motion,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT. Does the Senator from Indiana wish the bill to remain on the Calendar.

Mr. WOLFENDEN. Mr. President, I would like the bill to remain on the Calendar. It is on the Calendar now, is it not?

The PRESIDENT. No, it is not.

Mr. WOLFENDEN. Mr. President, let both the bill and the amendments be laid upon the table.

The PRESIDENT. The Senator from Indiana moves that the bill, with the amendments, be now laid upon the table.

Mr. SHAPIRO. Mr. President, I second that motion.

BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair, Senate Bill No. 1097, entitled:

An Act to amend sections one and two of the act, approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by extending the provisions thereof to vending equipment used in distributing such articles.

Which was committed to the Committee on Highways.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE read in place and presented to the Chair, Senate Bill No. 1098, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Fayette.

Which was committed to the Committee on Highways.

REPORT FROM COMMITTEE

Mr. SHAPIRO. Mr. President, I am going to report a bill at this time, but in order to explain that I am not an optimist I want to make a statement in connection with the bill.

In Philadelphia, and I think in other counties, it has been the practice for courts dealing with support orders to from time to time remit arrearages; in all Domestic Relations Courts it has been the practice to remit arrearages where orders have been made against husbands and it has been subsequently found that they can not meet the orders. Sometimes that practice has been abused and that power has been used to remit arrearages where influences other than proper facts which should have been considered were considered. The Supreme Court in a recent decision declared that the Domestic Relations Court had no right to change arrearages, and in one case reversed the court.

There was a bill presented to the Committee on Judiciary General changing the law established by that case and giving the right to the Municipal Court to remit arrearages. All of us in the Judiciary General Committee came to the conclusion that that bill should not become a law because we did not feel that is was necessary; in proper cases petitions should be filed to reduce orders, when changes in financial situations occurred.

Since then it has been called to our attention that there are a number of these orders existing where remissions were made, which now become subject to revival by some persons, for the purpose of getting money out of husbands who have gone to sleep in the belief that they are relieved of the order.

I am, therefore with the consent of the members of the Committee on Judiciary General, offering this bill now, as committed, so that it may appear on the Calendar and then amended, to confine it to validating these acts or changes prior to the decision rendered in the case to which I referred. The amendment is not in the bill. I am reporting it from the Committee on Judiciary General as committed, with the understanding that an amendment will be prepared.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. From the Committee on Judiciary General reported as committed, Senate Bill No. 813, entitled:

An Act conferring jurisdiction upon the Courts of the Commonwealth of Pennsylvania over support orders made by it.

PROCEED TO CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 308, (House Bill No. 480), entitled;

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 342, (House Bill No. 373), entitled:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 398, (House Bill No. 567), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 275) entitled "An act fixing the salary of sheriffs in counties in the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. LANIUS. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Farrell,	Mallery,	Sipe,
Chapman,	Frey,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Reed,	Walker,
DiSilvestro,	James,	Rice,	Wolfenden,
Ealy,	Jaspan,	Ruth,	Woodward,
Edmonds,	Kilgallen,	Scarlett,	Gelder,
Eroe,	Letzler,	Shapiro,	Pres. Pro. Tem.

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 412, (House Bill No. 331), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. SHAPIRO. Mr. President, in accordance with the provisions of the constitution I declare my interest in this bill to be such as to prevent me from voting. I represent clients affected by this bill and I therefore wish to vote "present".

The PRESIDENT. The remarks of the Senator will be noted in the Journal.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Letzler,	Sipe,
Cavalcante,	Frey,	Mallery,	Snowden,
Chapman,	Geltz,	McCreesh,	Stevenson,
Coleman,	Gilson,	McGinnis,	Stiefel,
Crowe,	Haluska,	Miller,	Tallman,
Dando,	Heyburn,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Dent,	Jacobs,	Reed,	Wolfenden,
DiSilvestro,	James,	Rice,	Woodward,
Ealy,	Jaspan,	Ruth,	Gelder,
Edmonds,	Kilgallen,	Scarlett,	Pres. Pro. Tem.
Eroe,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 783, (House Bill No. 1074), on concurrence in House amendments recalled from the Governor, entitled:

An Act to amend sections one and two of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission; providing for the appointment of its members and defining its powers and duties," changing the number and term of members, further defining their powers and duties and terminating the terms of members now in office,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 611, (House Bill No. 1063), as follows:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding after section six hundred twenty-one thereof a new section to read as follows

Section 621.1 Group Accident and Health Insurance (a) Group Accident and Health Insurance is hereby declared to be that form of accident and health insurance covering not less than twenty-five employees or members and in addition may include the employees or members dependents written under a master policy issued to any governmental corporation unit agency or department thereof or to any corporation copartnership individual employer or to any association or organization of employees of one employer its affiliates or subsidiaries or to the members of any labor union or to any organization or association of Federal or State employees or school teachers or school employees or nurses where officers members employees or classes or departments thereof may be insured for their individual benefit

(b) Any insurer authorized to write accident and health insurance in this State shall have power to issue group accident and health policies No policy of group accident and health insurance may be issued or delivered in this State unless a copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy the application of the employer or executive officer or trustee of any association and the individual application if any of the employes or members insured shall constitute the entire contract between the parties and that all statements made by em-

ployer or the executive officer or trustee or by the individual employes or members shall (in the absence of fraud) be deemed representations and not warranties and that no such statement shall be used in defense to a claim under the policy unless it is in writing

(2) A provision that the insurer will issue to the employer or to the executive officer or trustee of the association for delivery to each employe or member who is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable and such limitations or requirements in the master policy as may pertain to the individual insured thereunder

(3) A provision that to the group or class thereof originally insured shall be added from time to time all new employes of the employer or members of the association eligible to and applying for insurance in such group or class

(4) A provision stating the conditions on which the insurance becomes effective and the conditions on which it terminates

(5) A provision that all premiums are payable to the insurer at its home office or to its duly authorized agent if so provided on or before the due date thereof

(6) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(7) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(8) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(c) Family expense accident and health insurance is hereby declared to be that form of accident and health insurance covering members of any one family including husband and wife and children written under a master policy issued to the head of such family Any insurance company authorized to write accident and health insurance in this State shall have the power to issue family expense accident and health insurance No policy of family expense accident and health insurance may be issued or delivered in this State unless copy of the form thereof shall have been filed with the Insurance Comissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties and that all statements made by the head of the family shall in the absence of fraud be deemed representations and not warranties and that no statement shall be used in defense to a claim under the policy unless it is contained in a written application

(2) A provision that to the family group originally insured shall be added from time to time all new members of the family eligible for insurance in such family group

(3) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing such injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(4) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(5) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(d) If any hospital expense benefits shall become payable under any group accident and health or family expense accident and health insurance policy issued pursuant to this Act then such benefits shall upon written direction to the insurer by the insured be paid to the institution rendering the service on account of which such benefits become payable and any such benefits so paid by an insurer at the direction of an insured shall to the extent of the payment so made discharge the insurer from any additional liability under such policy therefor

Section 2 Section six hundred twenty-nine of said act as amended by the act approved the twenty-fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws 985) and as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1120) is hereby further amended to read as follows

Section 629 Limitations

(a) Nothing in subdivision (b) of this article shall apply to or effect any policy of workmen's compensation insurance The provisions of sections six hundred sixteen six hundred seventeen six hundred eighteen and six hundred nineteen of this act shall not apply to those forms of health and accident policies enumerated in section six hundred twenty-one and one-tenth of this act except as provided in said section Reference in sections six hundred twenty-one of this act to standard provisions shall not be deemed to refer to policies issued under authority of section six hundred twenty-one and one-tenth of this act

(b) Nothing in subdivision (b) of this article shall apply to no rin any way affect life insurance endowment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accidents and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to safeguard such contracts against lapse or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner in accordance with the provisions of section four hundred nine of an act approved May seventeen one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two)

(c) Nothing in subdivision (b) of this article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which cer-

tain existing corporations may become reincorporated under this act" or to policies issued by companies reincorporated under the provisions of the act approved April twentieth one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred seventeen) entitled "An act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies reincorporated under the provisions of this act"

(d) The provisions contained in clause (e) of section six hundred and seventeen (617) and clauses (b) (c) (h) and (i) of section six hundred and eighteen (618) may be omitted from ticket policies sold only to passenger by common carriers

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no".

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Letzler,	Sipe,
Cavalcante,	Frey,	Mallery,	Snowden,
Chapman,	Geltz,	McCreesh,	Stevenson,
Coleman,	Gilson,	McGinnis,	Stiefel,
Crowe,	Haluska,	Miller,	Tallman,
Dando,	Heyburn,	Mundy,	Thomas,
Deitrick,	Homsher,	Owlett,	Walker,
Dent,	Jacobs,	Pierson,	Wolfenden,
DiSilvestro,	James,	Reed,	Woodward,
Ealy,	Jaspan,	Rice,	Gelder,
Edmonds,	Kilgallen,	Ruth,	Pres. Pro. Tem.
Eroe,	Lanius,	Scarlett,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 709, (House Bill No. 563), on final passage, entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 797, as follows:

An Act to further amend the title and section one of and to add section three to the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts p 32) entitled as amended "An act authorizing the Department of Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and making an appropriation" by transferring the control management supervision restoration and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts p 32) entitled as amended "An act authorizing the Department of Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and make an appropriation" as amended by the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 322) are hereby further amended to read as follows

An Act authorizing the Department of Forests and Waters to acquire repair and restore the birthplace of John Morton in the borough of Prospect Park providing for the control management supervision and maintenance thereof by the Pennsylvania Historical Commission authorizing the Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Forests and Waters with the approval of the Pennsylvania Historical Commission shall arrange for the purchase and acquisition in the name of the Commonwealth of the birthplace of John Morton in the borough of Prospect Park and for the repair and restoration to the extent of present commitments thereof. The department shall have power to enter into any and all contracts deemed necessary to carry into effect the provisions of this act The amount of land purchased and acquired under the provisions of this act shall be in the discretion of the department

Section 2 Said act is hereby amended by adding after section two a new section to be known as section three and to read as follows

Section 3 The Pennsylvania Historical Commission shall have full control management and supervision of the birthplace of John Morton in the borough of Prospect Park and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the said memorial and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 924, (House Bill No. 1285), as follows:

An Act to amend section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" assigning certain rooms in the State Capitol to the General Assembly

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions an dprescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 2413 Board of Commissioners of Public Grounds and Buildings The Board of Commissioners of Public Grounds and Buildings shall have the power and its duty shall be

(a) To assign rooms in the State Capitol to the Governor the General Assembly and the officers and committees thereof the Supreme and Superior Courts and the judges and officers thereof and as far as possible to the several administrative departments boards and commissions of the State Government Provided That the halls of the Senate and the House of Representatives together with the corridors ante-rooms conference rooms lobbies post offices and other space now used adjoining the same and the rooms in the main Capitol building hereinafter enumerated are hereby permanently assigned to the General Assembly and the officers and committees thereof that is to say

To the Senate of Pennsylvania the following space in the Main Capitol Building

On the first floor in the north wing all office space east of the central corridor between the rotunda and the elevators serving the north wing

On the entresol floor in the north wing all office floor space north of the rotunda and in the central wing all office space on the north side of the wing east of the rotunda

On the second floor in the north wing all office floor space north of the rotunda except that office space in the northwest wing embracing a floor area of approximately sixty-two feet north and south and fifty feet east and west and in the central wing all office floor space on the north side of the wing east of the rotunda

On the third floor in the central wing all office floor space in the wing west of the rotunda

On the fourth floor in the central wing all office space in the wing west of the rotunda

In the basement in the north wing all office and storage floor space east of the corridor between the rotunda and the elevator serving the north wing

To the House of Representatives and the Legislative Reference Bureau on the first floor in the south wing all office floor space south of the rotunda except that space in the southeast wing embracing a floor area of approximately sixty-two feet north and south by seventy-two feet east and west on the entresol floor in the south wing all office floor space south of the rotunda except that space in the southeast wing embracing a floor area of approximately sixty-two feet north and south by seventy-two feet east and west and except the two offices located at the southwest corner of the south wing embracing a floor area of approximately twenty-three feet by fifty-five feet and in the central wing all office space on the south side of the wing east of the rotunda on the second floor in the central wing all office space on the south side of the wing east of the rotunda on the third floor in the central wing all office space in the wing east of the rotunda in the basement south wing all office and storage floor space south of the rotunda

All such rooms that are used by the Senate shall at all times be under the absolute control of the President pro tempore of the Senate and all such rooms that are used by the House of Representatives shall at all times be under the absolute control of its Speaker The President pro tempore or the Speaker as the case may be may arrange with the Board of Commissioners of Public Grounds and Buildings for the exchange of any room or rooms hereby assigned to the General Assembly for any other room or rooms which they deem more advantageous for the use of their respective branches of the General Assembly The Department of Property and Supplies shall continue to provide for the maintenance and repair of all floor space hereby assigned to the General Assembly

(b) Whenever the Department of Property and Supplies shall have leased offices rooms or accommodations outside the Capitol buildings for the use of the administrative departments boards or commissions to assign such rooms to such administrative departments boards or commissions as cannot be adequately accommodated in the Capitol buildings

(c) To approve or disapprove proposed leases for branch offices rooms and accommodations outside the capital city and to assign such offices rooms and accommodations if

and when leased

(d) To approve or disapprove proposed purchases by the Department of Property and Supplies as purchasing agency of articles other than those on the department's schedules when a similar article is included on such schedules and to approve or disapprove departures from specifications contained in the schedules or from standard specifications for articles not included in the schedules by departments boards or commissions having charge of State institutions

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder.
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 953, (House Bill No. 1062), on final passage, entitled:

An Act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13, 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8, 1937

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 49, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I wish to be recorded as voting "no".

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Letzler,	Sipe,
Cavalcante,	Frey,	Mallery,	Snowden,
Chapman,	Geltz,	McCreesh,	Stevenson,
Coleman,	Gilson,	McGinnis,	Stiefel,
Crowe,	Haluska,	Miller,	Tallman,
Dando,	Heyburn,	Mundy,	Thomas,
Deitrick,	Homsher,	Owlett,	Walker,
Dent,	Jacobs,	Pierson,	Wolfenden,
DiSilvestro,	James,	Reed,	Woodward,
Ealy,	Jaspan,	Rice,	Gelder.
Edmonds,	Kilgallen,	Ruth,	Pres. Pro. Tem.
Eroe,	Lanius,	Scarlett,	

NAYS—1

Shapiro.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 131, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase gift lease or condemnation on behalf of the Commonwealth of Pennsylvania forty arces of land adjacent to "Pennsbury Memorial" or so much thereof as may be necessary to properly honor the founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life providing for the control management supervision improvement preservation and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrich,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 315, on third reading, entitled:

An Act affecting cities of the third class authorizing the annexation of boroughs thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of election and officers of boroughs and cities of the third class and providing for the payment of the indebtedness of the various territorial units involved

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. OWLETT. Mr. President, I would like to ask the Senator his reason for asking that Senate Bill No. 315, go over in its order. I also would like to call his attention to the fact that this is a Senate bill.

Mr. DENT. I know that, Mr. President, but I just received a telegram from a borough in my community, that is adjacent to a larger community, and it afraid that it will be gobbled up by the larger third class city, which has been trying to get the borough in for a long time. It has a higher tax rate than the borough, and the borough does not want to go into the city; and I therefore ask that this bill go over in its order to let me become better acquainted with the bill.

Mr. OWLETT. Mr. President, I would suggest that the Senator from Westmoreland look into the matter right away, so that this bill can be called up later in the day.

Mr. DENT. Mr. President, I will be very glad to do that.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 482, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I wish to be recorded as voting "no".

The PRESIDENT. You will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Letzler,	Sipe,
Cavalcante,	Frey,	Mallery,	Snowden,
Chapman,	Geltz,	McCreesh,	Stevenson
Coleman,	Gilson,	McGinnis,	Stiefel,
Crowe,	Haluska,	Miller,	Tallman,
Dando,	Heyburn,	Mundy,	Thomas,
Deitrick,	Homsher,	Owlett,	Walker,
Dent,	Jacobs,	Pierson,	Wolfenden,
DiSilvestro,	James,	Reed,	Woodward,
Ealy,	Jaspan,	Rice,	Gelder
Edmonds,	Kilgallen,	Ruth,	Pres. Pro. Tem.
Eroe,	Lanius,	Scarlett,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 525, (House Bill No. 742), entitled:

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments t volunteer fire companies from provision requiring production of certain evidence

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 545, entitled:

An Act to amend sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" extending the provisions of said act to include private nursing homes and private hospitals operated on a nonprofit basis

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. JAMES. Mr. President, I ask unanimous consent that Senate Bill No. 567, (House Bill No. 605) on third reading, entitled:

An Act to amend sections 904 905 1006 1125 1202L111 1309 1314 and 2460 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 616, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HOMSHER, Mr. President, I ask unanimous consent that Senate Bill No. 625, (House Bill No. 680) on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SPECIAL ORDER ON THIRD READING POSTPONED

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 226, special order on third reading postponed for the present, until Thursday, May 18, at 2:00 o'clock, p. m., E. S. T., which went over in its order.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 226, entitled:

An Act abolishing the Oil Industry Investigation Commission terminating the terms of its members and lapsing the unobligated balance of any appropriation made therefor

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McGINNIS. Mr. President, I am very sorry the commission is unable to report today. One of the members today is in Philadelphia, a businessman; the secretary is a lecturer at Carnegie Tech; Senator Thompson is a busy lawyer, and it has been most difficult, it has been very difficult, to get the commission together.

They are all here today, except Senator Thompson, and they have working—the secretary since seven o'clock this morning.

They do not, however, have the report in its final form and will not have it, perhaps, until next Monday or Tuesday night. Of course, I realize this is a Senate bill and must pass the House, and I want to assure the Senate that the commission is not in itself anxious to continue the work, we do not relish the job any too well.

However, in view of the importance of this bill and the

precarious condition of the industry, I feel that the commission ought to continue, if only for the purpose of receiving complaints and suggestions during the recess. It is a rather serious situation, especially to a Senator from the western end of the State, if every car owner has to pay eight dollars a year more for his gas than car users down east. We could find no reason for a change of price or raising the price a penny in the west.

That concerns every car owner west of the mountains. The average wholesale price west of the mountains is a cent and a half a gallon higher than down east; the retail price runs as high as four cents a gallon and we could find no reason for that.

David E. McCraim, president of the Central Pennsylvania Oil Producers Association, stated on June 19, 1938: "A continuation of the conditions and prices that have prevailed in the Pennsylvania field during the last year would ruin hundreds of our producers, many of whom are already posse.

Here is an industry that concerns the State of Pennsylvania probably more vitally than any other industry in this State, and as I have told this Senate, according to sworn testimony the producers are losing as high as forty cents a barrel in the production. Six thousand wells may be closed, according to producers' testimony, in Butler, Armstrong and Lawrence Counties.

Then, too, the retailer is in a precarious condition and the industry is sick if there ever was an industry that was sick, and yet we are here in the Senate consuming our time on trivial bills and will not come to grips with this subject.

I can see no harm in this, in an industry of such vital concern to every person in Pennsylvania, why this commission should not be allowed to continue if for nothing more than to receive complaints, so that those people would have somebody to turn to during the recess.

MOTION THAT SENATE BILL 226 GO OVER IN ITS ORDER

Mr. REED. Mr. President, I move that Senate Bill 226 go over in its order.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. Did the Senator from Washington, Mr. Reed, put that as a motion?

Mr. REED. Yes, Mr. President, I did.

The PRESIDENT. It has been moved and seconded that Senate Bill 226 go over in its order.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The "noes" appear to have it.

Mr. REED. Mr. President, I would like to have a roll call and I cannot understand why the gentleman from Tioga takes this attitude on this bill, and on a bill on which the Senator from Fayette raised a question some time ago he took an opposite position.

Mr. OWLETT. Mr. President, this is a Senate bill and the other bill is a House bill. This bill must pass the House after it passes here. We have put this bill over in its order as a special order of business, with the distinct understanding that it would be voted on today, and I ask that the Senate consider this bill now.

Mr. REED. Roll Call, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

Mr. CHAPMAN. Mr. President, there is a time when patience ceases to be a virtue. I think I know something about the oil industry, its manufacture, its refining, and its distribution. I have been very much amused to hear various arguments and very much interested, and I think the gentleman on this side has been very sincere in their belief.

In the first place the bill is very expensive. We appropriated something like $50,000 for the investigation and we have not got anywhere and, Mr. President, this is but a small drop in the bucket compared with the cost of the investigation if that commission is continued.

In my own city one independent refinery spent with their whole office force six months in trying to make out these various forms required by the commission, and they got just to the beginning.

We must remember, Mr. President, that the oil production, the oil industry, is not controlled by the Standard Oil Company or the Texas Company or the large companies; oil production is controlled by sixty per cent of what we call the small producer and he is the one that this bill is injuring; and the next thing is that it is useless in this oil investigation, absolutely useless.

Now, as to the price factor I am very much interested in hearing my good friend from Allegheny, Mr. McGinnis, talk about the difference in prices between Philadelphia and the western part of the State, the locality which it is produced. As you know, gasoline, gas, ordinary oil and gasoline are transported not so very much by railroads anymore but by pipe line systems.

These pipe lines, this underground transportation, is a 5very important adjunct that only recently has been extended to almost every hamlet in Pennsylvania, in through the west. In these lines carrying gasoline costs but a fraction of a cent a barrel to transport from one end of the State to the other, something like three or four cents a barrel, so you can see what a small difference, with forty-two gallons in a barrel, it would make in the cost of a gallon of gasoline.

Next Mr. President, I wish to emphasise that the price of gasoline and oil and various products is dependent not upon the question of supply and demand, and this investigation will have no effect upon the price of the various oils and its products, and I therefore hope that this bill is passed.

Mr. McGINNIS. Mr. President, the two commissions spent about $40,000 on this investigation. The present commission has spent practically nothing; the old commission held investigations and hearings all over the State, covering a period of seven months, and got some very valuable information.

I can assure the Senate there is no thought of the present commission of going ahead and making any further investigation or spending any more money, except possibly keeping a secretary at a small salary to receive correspondence and complaints and keep in touch with the industry.

I feel it would be a good thing for the people of Pennsylvania, a good thing for the producer, a good thing for the retailer, a good thing for the user of gasoline and oil that this commission should be in existence to take care

of the records. Our secretary, a lecturer at Carnegie Tech and his staff will give his time and his knowledge, his experience in the investigation practically for nothing because he is interested in this matter.

It is a matter of vital concern, I know of no other subject in the State of Pennsylvania that concerns as many people that are as seriously affected as there are in the oil industry.

The Senator from Warren, Mr. Chapman, spoke about the oil producer. The oil of Pennsylvania is produced on the whole by small producers. There is only one large company that produces to a great extent; all the rest of the production of Pennsylvania is done by small producers, many of them farmers, small partnerships and corporations that have only a few wells, and they are the ones complaining.

The industry itself is complaining about the situation and would like to correct it and they are trying to correct it. It is serious to the producers, serious to the little retailer, and serious to the pocketbook of every single user of gasoline and oil in Pennsylvania. I know of no commission that could be organized or suggested that would have such an important matter on its hands as this commission.

Why, as I said before, our users and taxpayers in the western end of the State have to pay eight dollars a year more on the average than down here, when it only costs less than a cent to transport from here to Pittsburgh. They do not even transport it, they trade the gasoline, but they charge the consumer this extra price, from three to four cents more in the west, and I cannot see the necessity for abolishing this commission when I can assure the Senate that there is no thought of muckraking, there is no thought of embarrassing anybody; we do not mention a name in the report but we mention facts and figures; and it would seem to me it would give some satisfaction to those people who are in distress to know they had a commission which was not abolished, an oil commission to which they could at least submit their complaints.

Mr. CHAPMAN. Mr. President, in answer to the statement of the Senator from Allegheny, Mr. McGinnis, there is nothing in the bill which will prevent the commission from submitting its report, even after the commission is abolished.

And the question recurring,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, is the motion to put the bill over in its order?

The PRESIDENT. The motion is to put the bill over in its order and a vote "aye" is to put the bill over in its order and a vote "no" will keep the bill in its present position.

Those in favor of the motion will vote "aye."

Those not in favor of the motion will vote "no."

The "noes" appear to have it.

Mr. REED. Mr. President, I demand a roll call.

The yeas and nays were required by Mr. REED, and were as follows, viz:

YEAS—19

Cavalcante,	Haluska,	McCreesh,	Ruth,
Coleman,	Jacobs,	McGinnis,	Shapiro,
Dando,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Frey,	Lanius,	Rice,	

NAYS—26

Bartlett,	Farrell,	Miller,	Tallman,
Chapman,	Geltz,	Owlett,	Thomas,
Crowe,	Heyburn,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,
Edmonds,	Letzler,	Stevenson,	Gelder,
Eroe,	Mallery,		Pres. Pro. Tem.

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Miller,	Thomas,
Chapman,	Geltz,	Owlett,	Walker,
Crowe,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Scarlett,	Woodward,
Ealy	James,	Snowden,	Gelder,
Edmonds,	Letzler,	Stevenson,	Pres. Pro. Tem.
Eroe,	Mallery,	Tallman,	

NAYS—20

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Frey,	Kilgallen,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, I just want to make this observation: here is a bill that vitally affects every person in the Commonwealth of Pennsylvania—

The PRESIDENT. Is the gentleman from Washington, Mr. Reed, speaking on the bill just passed?

Mr. REED. Mr. President, I am speaking on a question of personal privilege.

Mr. OWLETT. Referring, Mr. President, to the bill just passed.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. REED. Mr. President, I do not intend to be gagged today.

The PRESIDENT. The Senator from Washington, Mr. Reed, will not be gagged, but the Senator from Tioga, Mr. Owlett, has the floor.

Mr. OWLETT. Mr. President, the point of order is

that we are on the Calendar and nothing else is in order but the consideration of bills. Mr. President, we took pretty nearly an hour of the time of this Senate today on a procedure which resulted, after an hour's debate, in putting the bill back on the Postponed Calendar. I think it is imposing on the patience of this Senate to discuss a bill after it is passed, even though it is done under the protection of personal privilege.

The PRESIDENT. Did the Senator from Washington, Mr. Reed, rise on a question of personal privilege?

Mr. REED. I did, Mr. President.

The PRESIDENT. The Senate has always been very lenient in the matter of questions of personal privilege. We have listened to them in season and I might say out of season, and I would suggest not only to the Senator from Washington but to all the Senators that when we are acting on the Calendar very often it is out of season to consider questions of personal privilege; but far be it from the Chair to deny the Senator from Washington the right of personal privilege at this or any other time.

The Senator from Washington, Mr. Reed, is therefore recognized on a question of personal privilege.

Mr. REED. Mr. President, I just want to call attention of the Senate to the fact that the bill just taken from the Calendar by vote of the members of this Senate was a very important one.

It is a bill that has to do with the basic commodity, a bill that affects the welfare of all the people of Pennsylvania and yet, at the will of the majority leader, the Senator from Tioga, the members on the other side voted unanimously to take this important bill from the Calendar, not giving the Senator from Allegheny, Senator McGinnis, a few more days to perfect his report.

Just this afternoon, Mr. President, a bill that does not mean anything to the people of Pennsylvania, which has been on the Calendar for weeks, on motion of the Senator from Fayette, Mr. Cavalcante, and after a long and stormy debate, was kept on the Calendar at the will of the Senator from Tioga, Mr. Owlett.

Mr. President, I sincerely hope that the time will come in this Senate when we will have more independent voting.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 628, (House Bill No. 851), entitled:

An Act to amend clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend title, page 2, line 8 of title, by striking out the word: "eliminating" and inserting in lieu thereof: "changing"; amend Sec. 1 (Cl. c), page 3, line 7, by striking out: SC the light-face bracket before the word "All"; amend Sec. 1 (Cl. c), page 3, line 10, by striking out with light-face brackets the words: SC "at least once a month" and inserting in lieu thereof: "from time to time"; amend Sec. 1 (Cl. c), page 3, line 11, by inserting after the word "commission" the following: SC "upon the request of the commission"; amend Sec. 1 (Cl. c), page 3, line 15, by striking out: SC the light-face bracket after the word "them"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 630, (House Bill No. 929), entitled:

An Act to amend section four hundred thirteen section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 643, entitled:

An Act to amend section one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1182) entitled "An act providing the procedure and the power of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation" as amended requiring the agents of the Department of Justice or the Pennsylvania Motor Police to return parole violators after their apprehension the expenses incurred by such agents to be borne by the penitentiary

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 648, entitled:

An Act to further amend section one of the act approved the nineteenth day of June one thousand nine hundred eleven (P. L. 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I wish to call the attention of the members of the Senate to the provisions of this bill. As we all know, we have now before this General Assembly a new criminal code and also a code dealing with probation and paroles.

This bill before us amends an Act that lawyers refer to as the Probation Act or an act that permits judges to suspend a sentence or to place a defendant on probation. As the act is on the books now, it gives the court the power to suspend and place on probation defendants or persons who are convicted of a crime, excepting those who are convicted of murder, administering poison, kidnapping, incest, sodomy, buggery, rape, assault and battery with intent to ravish, arson, robbery, or burglary, and I say that the act as it now stands on the statute books is a good act, but this bill gives the court the power to suspend sentence or place on probation a man who had administered poison, or who has kidnapped, or who committed incest, sodomy or arson, and those other high felonies known to the law.

Now, mark you this, this bill strikes out of the act all of those offenses and gives the court the power to place on probation persons who are found to be guilty of committing those crimes, and the only crime it excepts from the act, as amended, is murder in the first degree.

Now, members of the Senate who are attorneys, I ask you whether a court, any court in this State has the power to place on probation a man who is convicted of first degree murder. I ask you if the law is not mandatory, if the law does not say right now that a defendant who is charged with first degree murder, the fact whether he is guilty or not is a question for the jury, and the jury fixes the penalty; the jury says whether it shall be the electric chair or whether it shall be life imprisonment; but there is no other alternative, the punishment for first degree murder is either life imprisonment or death, yet this bill, Mr. President, watch how rediculous the amendment will make it—it permits the court to place on probation any defendant convicted of any crime, no matter what the crime is, except first degree murder, or a crime for the conviction of which the court has no power whatsoever to place a man on probation but must either sentence him to death or sentence him to life imprisonment.

Now, members of this Senate, I am not speaking against this bill because of any apparent differences that have already appeared here to exist between the gentleman from Philadelphia and myself on other matters. I am appealing to your fairness to consider the merits of this bill, whether you think it advisable at this time to place in the hands of the courts the power of probation given to them by this act; with, too, the knowledge we have of the rackets and

those gangs who have organized arson conspiracies, poison and rape at the present time in the City of Philadelphia. The newspapers have carried the items here of a gigantic arson ring, a group of individuals who have used poison for the extermination of hundreds of individuals.

Now we are going to give to these courts, that to some degree have been condemned by the commission which Doctor Ruth was the chairman, investigating courts on probation and parole—the report shows there was laxity in that system, that the system had to be corrected, that it was too weak; and now because of this bill they will further weaken that system by giving those same courts more power. I think this bill ought to be defeated because it is a bad bill, on its merits, and not because of the sponsor of the bill.

Mr. SHAPIRO. Mr. President, I am sorry there were any personalities injected into this case. There is no difference between the gentleman from Fayette and myself, —there is complete understanding. This bill bears my name but is sponsored at the request and as a result of a hearing given on the parole question of Judge Gordon of Philadelphia.

This is a bill setting up a method of probation and parole and in Philadelphia and elsewhere judges have found their hands tied by this bill now, because even in kidnapping and even in incest and even in buggery they were obliged to send a person to jail when they felt in their own hearts he should not go to jail. In order to get around that they adopted the practice of suspending sentence, and that is what Dr. Ruth's committee turned up. It was very bad to put judges in that position, in a very difficult case where obviously a prisoner should not be sent to jail, they could not keep him on probation unless they resorted to subterfuge, and many judges did that.

As a result of this investigation it was agreed between Judge Smith of Pittsburgh and Judge Gordon of Philadelphia that this bill was necessary to set up a complete picture. I have no personal interest in the bill, I think that objective is correct; I think the proposition they are trying to accomplish is good, and their attentions are certainly honorable.

At the request of Judge Gordon, and in order to make the matter conform, I introduced a bill and there was a discussion concerning the bill, at which I think the Senator from Montgomery, Mr. Edmonds, the Senator from Tioga, Mr. Owlett, and myself were present with Judge Smith, when we discussed the bill, and we all felt it should follow up the system we are adopting, with the understanding of course, it is a part of the same scheme. If any gentleman here thinks it has greater effect it should be put over and time taken to consider it carefully.

I do not care what the Senate does with the bill, except I think if we are to adopt a new system we ought to go along. If you want further study and there is time to pass it in the House, all right. It is not a vicious bill and there is not anything terrible in it, but it is a bill which accomplishes a desired purpose and if a judge is no good, if he misuses his powers we do not keep him, we discharge the judge, and if judges are abusing the parole power they have in their hands that is the way to correct it. You do not send a prisoner to jail just because he does not trust a judge.

I think this is a fair piece of legislation along the line of the parole system we are establishing. I am ready to accept the suggestion of any member of Senate on the matter. I have no personal interest in the bill.

Mr. EDMONDS. Mr. President, may I ask the Senator from Philadelphia whether he agrees with me that the administering of poison and kidnapping—it seems to me that those are very serious crimes to be dealt with in this way.

Mr. SHAPIRO. Mr. President, I would answer that by saying every crime is a serious crime and without much trouble. I can tell you of four cases of kidnapping which happened in Pennsylvania in the last five years—a judge of a United States District Court paroled the defendant—a kidnapping threat to kidnap a child, and the circumstances showed in one case a man whose mind was upset; in another case it was because it was a prank. Certainly, kidnapping is a serious crime, so is assault and battery and so is assault and battery with intent to ravish. What is the difference? This is a serious problem. We are looking at a defendant, determining whether he should be put in jail or on probation, and the theory back of this is that our judges are honest and are not allowing people to run out right and left. It is true that does not always work but for that reason should we put the defendant in jail? I think we should dismiss the judge.

Mr. DiSILVESTRO. Mr. President, since the sponsor of the bill has announced publicly that he presented this bill by request I think I am free to give my opinion on this bill, because I do not want to be misinterpreted in objecting to the bill.

We are confronted at this moment with an affair in Philadelphia that is very vicious, and this bill—those who prepared it and handed it to Senator Shapiro forgot, or maybe it was premature when the bill was drawn up, that in Philadelphia today there is a group of individuals who have taken the law and the lives of people into their own hands.

I say that this bill is vicious, it does not consider those who, after premeditation, prepared a poisoned sandwich or a poisoned mixture for a citizen or constituents of the City of Philadelphia. It gives them an opportunity to run out on a penalty that should be inflicted on them, that of the electric chair.

I say I can not vote for this measure. I will not accuse public resentment, I will not accuse conditions that exist today, but I accuse my conscience and I say I can not vote for this bill, knowing that there are men who are being taken out for lunch in restaurants who have been condemned of murder in the first degree; there are people who have been found guilty by juries and who are being taken in Horn in Hardart's and taken for a ride through Fairmount park to enjoy the environment and the view and the scenery of the City of Philadelphia.

I say that those individuals should be treated in a way that people who would want to attempt to repeat what they did should remember what happened to the culprits.

I say I cannot vote for this bill and I wanted to make my statements first, before the Senator from Fayette. Mr. Cavalcante, made his statement, but I did not want to create a misunderstanding here.

I thought it was Senator Shapiro who was presenting the bill, but knowing it comes from another source I resent it; I resent the fact that we should not take this bill apart and study it further so as to amend parts that are not agreeable to the consciences of the members of this legislature. I say that those men and those women who

have aligned themselves as accomplices with one big gang of murderers should be treated with the strongest arm of the law; and the strongest arm of the law is known by each member of this legislature.

Mr. EDMONDS. Mr. President, I ask the Senator from Philadelphia Mr. Shapiro if he is willing to allow this bill to go over in its order.

Mr. SHAPIRO. Certainly, Mr. President, anything the Senate wants. I want it made clear, in fairness to Judge Gordon and Judge Smith, that this bill was considered by the committee before the offenses discussed by my colleagues from Philadelphia, Mr. DiSilvestro, were committed. I suggest to my colleagues that whatever they want to be done should be done. I have no interest in the matter.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 648 go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, it is my understanding, then, that this bill will not come up for final action until Monday evening.

The PRESIDENT. Does the Senator who asked that it go over in its order agree that it shall not be called up. The Chair can hardly speak for the Senate.

Mr. SHAPIRO. Mr. President, I think this bill should not be discussed or acted upon before Monday evening.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 658, entitled:

An Act to amend section one thousand one hundred forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by extending the power to accept roads streets lanes and alleys dedicated as public highways

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 699, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission imposing certain duties upon the Department of Justice and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrich,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 723, entitled:

An Act to further amend sections one and two as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1528) entitled "An act authorizing the Secretary of Highways with the approval of the Governor to establish construct and maintain roads parallel to existing State highways in order to relieve traffic congestion providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby and providing that such highway when constructed shall become a part of the system of State highways of the Commonwealth" by extending certain provisions thereof to cities

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Gelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 758, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Frey,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Haluska,	Miller,	Stiefel,
Dando,	Heyburn,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	Jacobs,	Pierson,	Walker,
DiSilvestro,	James,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Kilgallen,	Ruth,	Zelder,
Eroe,	Lanius,	Scarlett,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 776, (House Bill No. 389) on third reading, entitled:

An Act to consolidate amend and revise the penal laws of the Commonwealth

go over in its order until Monday.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, it is the criminal code, the penal code, and there have been some errors already discovered in the printing. It seems to me the bill should be examined over the weekend, in order that the bill may be perfect.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 815, entitled:

An Act to further amend clause (a) of section three of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecution and by repealing all acts and parts of acts inconsistent with the provisions thereof" regulating the hours of labor for female employes of non-profit charitable or welfare institutions

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, and members of the Senate, this is a very serious piece of legislation. This bill takes the hospitals and charitable institutions out from under the provisions of the forty-four hour law as applying to women in Pennsylvania. There is no need for this legislation at this time; there has been no complaint against the provisions of the women's forty-four hour law in Pennsylvania.

Hospital and charitable institutions are specially provided for under the provisions of that act. This bill does not do anything that is not being done today for hospitals and private institutions.

Under the act passed in 1937 the Industrial Board, together with the Secretary of Labor and Industry, was given the express right to set up special rules and regulations governing the hours of employment of females in that type of institution. Under the former Secretary of Labor, and the Industrial Board, special rules and regulations were made up that conformed with the provisions of this Act.

Now, you say, "why, then, is that Act necessary?" I will tell you, in my own humble opinion why this bill is supposed to be necessary. We have a new Secretary of Labor and Industry. It is well-known that the present Secretary of Labor and Industry is a member of a certain union. Along with the females in charitable institutions, who are exempted under the forty-four hour act, we have the summer hotels, we have the canning industry, we have various types of female labor that are exempted by provisions which allow the Secretary of Labor and Industry to set up rules and regulations.

There has been a drive on in certain lines of endeavor, such as hotel work and so on, and certain persons in the State are driving this Secretary of Labor and Industry into the position that they want him to enforce the act without the exemptions to the summer hotels and other private enterprises.

He says—I would say this is not a conversation that is in reality, a conversation; it is just the words that I will put into the mouth of a Secretary of Labor; he must say to them, "I cannot excuse the hospitals, on one hand, and enforce the law on the summer hotel," and so, a little scheme was devised. They said, we will put in a special act of legislation and we will exempt hospitals and charitable institutions specifically; and then, after that is done, we will go in and put the hammer down upon summer hotels and other enterprises.

I say to you that if you pass this bill you are going to force a situation that the last Legislature in its wisdom, knew could not be enforced in the State of Pennsylvania

because it is seasonal business, in summer hotels, in the canning industry, and so forth.

I say this is not a proper piece of legislation, because the exemptions that are asked for under this act are already granted to the hospitals in Pennsylvania; they are already granted to the charitable institutions in Pennsylvania; but along with them are other private enterprises which would find it difficult to live under the stringent forty-four hour law. So I say to you, gentlemen this act should not be passed.

It also goes a little further and takes in not only professional and semi-professional employes of hospitals and private institutions but it takes in chambermaids, laundry workers and the rest of the employes around a hospital.

I know my argument will not change any votes; I only want to give you the right picture; then you can suit yourselves on your vote.

Mr. EDMONDS. Mr. President, this bill was introduced at the suggestion of the Secretary of the Hospital Association of the State. It is perfectly true the Industrial Board made an exemption of hospital workers, but that was an administrative action and not a law; and there has been a good deal of doubt whether or not it might be enforced. In order to settle the question, particularly as the hospitals at the present time are working at high speed and under great and serious difficulties, it seemed best to introduce legislation which would make the exemption clear as far as women employes were concerned.

You will readily understand that there are many small hospitals in the state, and many large ones. I happen to be a trustee of one hospital, which I think is the largest in the State, the Jefferson Hospital down in Philadelphia, and we found it impossible to apply that forty-four hour law under the conditions under which we were obliged to work; and I am told in the smaller hospitals, they have only a very few nurses, they have the same difficulty.

It is not with any desire that they should be worked unduly, but with a sincere desire that there should be enough elasticity for them to do their work.

Mr. DENT. Mr. President, I desire to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr Edmonds, permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. DENT. Mr President, if there is a doubt as to the legality of the exceptions granted to hospitals, then is there not also a doubt as to the legality of exemptions granted private enterprises which cannot live under the forty-four hour law, in its present form?

Mr EDMONDS. Mr. President, I cannot answer that question, because I am not familiar with cases of private enterprise; but I know any private enterprise so interested may appeal to the Industrial Board, and there is always the possibility of some situation developing which will get the hospitals into serious trouble; and, naturally, they want it settled on some basis.

Mr. DENT. Mr. President, I want to say, not being legally trained my mind might not function along the same lines as that of the Senator from Montgomery; but if the same law covers specific cases in one industry, it covers specific cases in another; and there is no question as to the legality on one, there certainly should not be on the other. I am going to be frank and say this is another piece of kindling on the bonfire; the flames go higher as the time grows near for the end of the session; and sooner or later the embers will glow, and we will leave here with the ashes of labor legislation we passed after forty-four years of hard work.

Mr. MUNDY. Mr. President, I was under the impression, from my hospital attachment, from my attendance around hospitals, that from the standpoint of economy and hospital management, this bill is necessary. This labor angle has never been injected until Senator Dent brought it forward today; but from the standpoint of hospital management and economies this is a bill that is necessary for them to carry on, particularly now with budgets reduced, they have to stay within expenses within the restrictions of their expenditures. Something will have to be done to help the problem of labor around the institutions; and if we can confine it to that and not step out, as Senator Dent says, into other fields I believe it would be an excellent bill.

I might ask, if it is not too late to do so, that the bill go over in its order, so that we may study both angles of it.

Mr. HEYBURN. Mr. President, this is a Senate bill, and I am afraid if it goes over in its order it will not pass. The bill was considered by my committee, and the Hospital Association tells me it would be impossible to keep the hospitals open unless the exemption is granted to the employees of hospitals.

There have been some questions raised about exemptions, it is true, since the act was passed in 1937, when the hospitals were included by mistake. If Senator Dent raises the question as to what is the difference between summer hotels and the canning industry, for instance, the difference is, largely, hospitals are non-profit institutions. There is no way in the world any hospital can make up a budget unless they are assured they can be exempted from this forty-four hour act.

I think it is necessary, Mr. President, in order for the hospitals to remain open, that they be excluded from the provisions of this act.

Mr. EDMONDS. Mr. President, as I read this bill, with reference to exemptions of hotels and boarding houses, the amendments read: "and provided, further, that females employed in charitable or welfare institutions operated on a non-profit basis shall be permitted to work for not more than ten hours any one day, which ten hours shall be all within one period of thirteen consecutive hours, and not more than forty-eight hours in six days of any calendar week."

That is the amendment, and that is what we are thinking to be put in the bill.

Mr. SHAPIRO. Mr. President, that is the very trouble with this bill. It seems to me it was under the act of 1937 that we gave to the Department of Labor and Industry discretionary power to increase the hours of labor in certain industries, both as to female and male employees. The act relating to male employees, to my recollection, was declared unconstitutional; and in so far as female employees were concerned it has not been affected by that decision.

This act amends the Act of 1913, which does not relate to the Act in question, and it seems to me there is confusion; we do not really need this act. I think the gentleman from Westmoreland, Mr. Dent, is perfectly right in

his position that the effect of this act can be obtained within the discretion they now have.

If you pass this act I do not know whether you are really not removing the power and confirming it to other persons. I do not know what a welfare institution is either—as it is defined here. It might be, the way it is set up, that any institution may be a welfare institution and come within the terms. You are defining and restricting, and where you have a flexibility under a department, I think the department head ought to take the responsibility. There are some institutions where maybe the hours should not be as much and in sime maybe there should be more. You have the discretion, why disturb it; and I think the gentleman from Montgomery, Mr. Edmonds, will agree as to whether or not you are not amending the wrong Act.

Mr. EDMONDS. Mr. President, may I call the gentleman's attention to the fact that this amends the Act of 1913 as amended in 1937.

Mr. SHAPIRO. Mr. President, I know.

Mr. EDMONDS. Mr. President, the amendment simply relates to females in charitable and welfare institutions which today, because of action of the Industrial Board or Secretary of Labor and Industry, I forget which, are excluded, and he knew that that left them without regulation except so far as the old act provides; and now we are bringing it in again.

Mr. MUNDY. Mr. President, the objection to giving department heads administration of this bill is, as the Senator from Delaware stated, the uncertainty in administration in so far as preparing a hospital budget is concerned.

If this were fixed by law they would have some standard to go by. I have heard complaints, on the floor, about turning over legislative power to the heads of departments; and I think this is one of the things they have been obliged to do in the past, delegate the powers to the department heads; and I think the hospitals in all fairness should know by law what they are permitted to do.

Mr. DENT. Mr. President, I do not want to prolong the debate; I only want to say this: once you remove hospitals from any jurisdiction of the Labor Department of the State, specifically exempt them, with the arguments given here today—based on arguments always given when we come to the point of regulating hospitals and charitable institutions, I say to you you are writing off the books for many years to come any legislation restraining female help in hospitals—female help whether in a hospital or in a factory, or in a restaurant, or in a shop, it is still female help.

You pass these laws under the pretext of public health, in the interest of public health and safety. You turn around and say it is all right to pass legislation in the interest of public health and safety, for women working in private institutions, except the class that work in hospitals; it is all right for a chambermaid to work in a hospital, she is a different kind of worker, but you are regulating the woman in the restaurant; and I say you are writing off the books a humane piece of legislation. I repeat my charge: this is another piece of kindling in the bonfire.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Gilson,	Mundy,	Thomas,
Dando,	Heyburn,	Owlett,	Walker,
Deitrick,	Homsher,	Pierson,	Wolfenden,
Ealy,	James,	Scarlett,	Woodward,
Edmonds,	Letzler,	Snowden,	Gelder,
			Pres. Pro. Tem.

NAYS—17

Cavalcante,	Frey,	Lanius,	Ruth,
Coleman,	Haluska,	McGinnis,	Shapiro,
Dent,	Jaspan,	Reed,	Sipe,
DiSilvestro,	Kilgallen,	Rice,	Stiefel,
Eroe,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 819, entitled:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Farrell,	McGinnis,	Sipe,
Chapman,	Geltz,	Miller,	Snowden,
Coleman,	Gilson,	Mundy,	Stevenson,
Crowe,	Heyburn,	Owlett,	Tallman,
Dando,	Homsher,	Pierson,	Thomas,
Deitrick,	James,	Reed,	Walker,
DiSilvestro,	Jaspan,	Rice,	Wolfenden,
Ealy,	Letzler,	Ruth,	Woodward,
Eroe,	Mallery,	Scarlett,	Gelder,
			Pres. Pro. Tem.

NAYS—7

Cavalcante,	Haluska,	Lanius,	Stiefel,
Frey,	Kilgallen,	Shapiro,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 859, entitled:

An Act to amend section three hundred and seven of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction

powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefore requiring milk dealers to file bonds to secure payments for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefore to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authoriizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" removing the requirements that the Governor approve rules regulations and orders issued by the commission

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. OWLETT. Mr. President, I think there is an error in the Calendar, as this bill was placed on the postponed Calendar yesterday.

Mr. PRESIDENT, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO CONSIDER ALL THIRD READING SENATE BILLS FIRST

Mr. OWLETT. Mr. President, I move that the Senate do now first consider all the Senate Bills which are on third reading. The first one is Senate Bill No. 996, Page 15.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 996, entitled:

An Act relating to and providing for the discontinuance and abandonment of the project for the erection construction operation and control of the maximum Security State Penitentiary authorizing the cancellation and the making or revision of certain contracts and leases between The General State Authority and the Commonwealth to effectuate such discontinuance and abandonment and to pay for damages and losses sustained by The General State Authority and repealing inconsistent laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Eroe,	Mallery,	Tallman,
Chapman,	Farrell,	Miller,	Thomas,
Crowe,	Geltz,	Owlett,	Walker,
Dando,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Scarlett,	Woodward,
Ealy,	James,	Snowden,	Geldar,
Edmonds,	Letzler,	Stevenson,	Pres. Pro. Tem.

NAYS—17

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1028, entitled:

An Act authorizing the conveyance to the Delaware River Joint Toll Bridge Commission of a certain tract of land in the Borough of Portland County of Northampton Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Mallery,	Sipe,
Cavalcante,	Frey,	McGinnis,	Snowden,
Chapman,	Geltz,	Miller,	Stevenson,
Coleman,	Gilson,	Mundy,	Stiefel,
Crowe,	Haluska,	Owlett,	Tallman,
Dando,	Heyburn,	Pierson,	Thomas,
Deitrick,	Homsher,	Reed,	Walker,
Dent,	James,	Rice,	Wolfenden,
DiSilvestro	Jaspan,	Ruth,	Woodward,
Ealy,	Kilgallen,	Scarlett,	Gelder,
Edmonds,	Lanius,	Shapiro,	Pres. Pro. Tem.
Eroe,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1031, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. MUNDY. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. MUNDY. Mr. President, I want to ask the Senator if he knew in the 1937 Session, that such a bill, exactly the same bill, was passed.

Mr. OWLETT. Mr. President, I believe so.

Mr. MUNDY. Mr. President, is the Senator aware that there was $40,000 contributed by the State and $40,000 contributed by the Federal Government for such a study.

Mr. OWLETT. Mr. President, I did.

Mr. MUNDY. And, Mr. President is the Senator aware that such a study was carried on very successfully, and excellent work was being done when that program was called off by order of the Governor on the basis of economy.

Mr. OWLETT. Mr. President, as to the latter inquiry I am not sure; I know it was called off, and I think the statements are true.

Mr. MUNDY. Mr. President, I wish to assure the Senator that there was left in that fund some $40,000—between $35,000 and $40,000—of unexpended funds, and I would like to know from the Senator what became of that fund that was left.

Mr. OWLETT. Mr. President, for the information of the Senator—perhaps he knows more about it than I do, but my understanding is that the money was appropriated to the Department of Health for carrying on this research work. As to the nutrition of children, the Department of Health, I understand, made arrangements with State College to do the actual work, and I believe people in State College did conduct the entire work.

When it was found, at the beginning of this session, that we had a $45,000,000 deficit I believe the balance of the fund lapsed, because the people in charge of this work at State College succeeded in getting an appropriation from either the Rockefeller Foundation or some other institution in New York; and they had with very hard work, and some slight curtailment, completed their program of nutrition among the school children.

I understand arrangements have been made, through some of the bureaus in Washington, that if we appropriate this $20,000, with what they can get from Washington, and some private donations, they will be able to continue this study for the benefit of school children. I am informed a very fine piece of work has been done, and those who have been engaged have been very self-sacrificing in their efforts to continue.

Mr. MUNDY. Mr. President, may I add I importuned the Department of Health, and impressed upon them the necessity, and the excellent type of work being conducted in this research, and we submitted to them partial reports of the work that was being done—and that was also presented to the Governor, but he thought, and so decided, that economy prohibited the carrying on of this work.

As I was the author of the original bill and was very much interested in it, I was just wondering whether the fact that this was resumed so suddenly and so soon after the decision was made, whether the interest of myself had anything to do with the suspension of this program.

Mr. OWLETT. Mr. President, I am sure the active interest of the Senator from Luzerne, Dr. Mundy, has been a great help in this matter; and I think we have all been exceedingly interested in it because of his interest in it. We all recognize his great ability as a physician, and his interest in this work, and that is one of the reasons I am interested in it.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, first of all I am a little bit worried about this interest he is taking in one of our Senators.

Mr. OWLETT. Well, Mr. President, he is a very fine physician.

Mr. SHAPIRO. Secondly, Mr. President, if we appropriated $40,000, and the money was not spent, who do we have to appropriate $20,000 now?

Mr. OWLETT. Mr. President, the money was used for relief.

Mr. SHAPIRO. Mr. President, how could the money have been used for relief without the Senate knowing anything about it

Mr. OWLETT. Mr. President, I think it was one of the funds that lapsed.

Mr. SHAPIRO. Mr. President, how could it lapse?

Mr. OWLETT. Mr. President, it was appropriated to the Department of Health.

Mr. SHAPIRO. Mr. President, the biennium is not finished yet. This fund could not lapse before the end of the biennium. I am wondering how anybody got the balance of this money, and lapsed it without our knowing anything about it.

Mr. OWLETT. Mr. President, I do not know that I can answer that question, except I do know the work was curtailed because of lack of money. It may be the money ran out, but my understanding was they curtailed this on account of the economy program; but they were able to continue it because of private subscription; and I understand they can continue the program for the next two years with this appropriations, plus private contributions.

Mr. SHAPIRO. Well, Mr. President, we find ourselves here with an appropriation already made for $40,000, and unless this appropriation has lapsed it could have been spent. It has not lapsed because the 31st of May has not arrived. If we pass this bill it means we will have $60,000. If the money has been lapsed without legislative action I would like to know about it.

Mr. OWLETT. Mr. President, my understanding it that all unexpended balances of appropriations made to the departments automatically lapsed at the end of the biennium.

Mr. SHAPIRO. Well, Mr. President, the end of the biennium has not arrived yet.

Mr. OWLETT. Mr. President, if it has not already been lapsed by act of the Legislature it will lapse at the end of this biennium and go back into the general fund; and, of course, it requires an appropriation, as the Senator well knows.

Mr. EALY. Mr. President, this bill was not sent to the Committee on Appropriations or I would have inquired more as to the details of this work; but, as I understand from the Senator from Luzerne, Dr. Mundy, and as is borne

out by the budget of 1937-39, $40,000 was appropriated for this work.

As the Doctor says, the work was carried on during the past biennium. Certainly there could not be $40,000 in the fund any more; I doubt whether there is $20,000. I am not able to say now but perhaps the balance there is very small.

Mr. SHAPIRO. Mr. President, the Doctor has said that the $40,000 was not spent, it was taken away from the institution; that they had money from the Federal Government and money from the State, that the money was given by the Federal Government on the basis of a State contribution; and that somebody in the State Government took that money away from them and I want to know who that was.

Mr. EALY. Well, if the money was taken away it was taken away during the past biennium.

Mr. SHAPIRO. Mr. President, I understand the money was taken away by the present administration. We are still in the biennium of 1937-39, and no money can lapse automatically until the end of this month.

Mr. PRESIDENT, we are not on the question of lapsing funds now. That can be done, and will be done, I assume. by a separate act; but if $40,000 was appropriated during the last biennium and was not used why then, that certainly is evidence it is not necessary now.

The PRESIDENT. The Chair suggests the gentlemen are debating a question of the last two years, and this concerns the next two years.

Mr. SHAPIRO. Mr. President, I am debating the question whether the Governor says he does not dictate to the legislature, what the legislature shall pass; yet he is taking away monies which the legislature has appropriated, without consulting the legislature. That is what I am trying to inquire about. And, as the gentleman from Luzerne has said, there was $40,000 appropriated. If there was $40,000 appropriated, how did anyone in the department, with or without consent of the Governor, take that money away from this institution, and for what purpose?

Mr. EALY. Well, certainly, Mr. President, if the money was not spent in the last biennium it cannot be spent in the next biennium.

Mr. MUNDY. Mr. President, the bill as originally drawn, as I remember it, earmarked this money for a specific purpose—to be given as a State grant to State College for this particular type of work, with the understanding that $40,000 having been provided by the State a like amount was to be contributed by the Federal Government. What I would like to know is, if this money was originally earmarked for this particular purpose, what became of that money, and what became of the equal Federal contribution made on that basis? We have nothing before us to show whether the Federal money was given back to the Federal Government. or what was done with this earmarked money.

Mr. DENT. Mr. President, I do not think we can solve this in the Senate. One man says the money was allocated —which we all know it was; another says it was lapsed. We all know there were no lapsed funds. No one seems to know where the money is.

I will tell you frankly, with far less information than this, they have a lot of indictments against a lot of Democrats. I suggest we turn it over to Shelley and let him find the money.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitotion, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Mallery,	Sipe,
Cavalcante,	Frey,	McGinnis,	Snowden,
Chapman,	Geltz,	Miller,	Stevenson,
Coleman,	Gilson,	Mundy,	Stiefel,
Crowe,	Haluska,	Owlett,	Tallman,
Dando,	Heyburn,	Pierson,	Thomas,
Deitrick,	Homsher,	Reed,	Walker,
Dent,	James,	Rice,	Wolfenden,
DiSilvestro,	Jaspan,	Ruth,	Woodward,
Ealy,	Kilgallen,	Scarlett,	Gelder,
Edmonds,	Lanius,	Shapiro,	Pres. Pro. Tem.
Eroe,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Mr. EDMONDS. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 969, (House Bill No. 1036), on third reading, postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 969, (House Bill No. 1036), entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such ceritficates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, this is a bill that was referred to yesterday in discussion, which provides for the regulations of the trafficking in liquor certificates. I dare say the discussion yesterday has fuly educated the members as to the principles that are involved in the bill.

The point is simply this: under the law as interpreted last year by the Attorney General these liquor certificates are not securities, and consequently trafficking, or buying and selling them, is not under the supervision of the Securities Commission.

There has been, as I found out, during the past year a most wicked traffic, which has gone to such a length that it has brought a great deal of sorrow into some of our Pennsylvania homes, and in order to prevent that, the idea of this bill is to keep the sale and trafficking of these liquor certificates under the control; and it is placed under the control of the Liquor Control Board, because they

have the greater facilities for examining into this kind of work.

It provides for the registration of those that deal in them and provides for the registration of the sale of them. The idea is to prevent thet series of frauds in which innocent people holding securities have been asked to exchange the securities, with the hope of obtaining something of more value than really exists.

If there are other members of the Senate more familiar with these evils that have developed than myself, and I ask my colleagues to support the bill.

Mr. DENT. Mr. President, I ask unanimous consent to offer the following amendments——

Mr. EDMONDS. Mr. President, I object.

Mr. DENT. Mr. President, I ask that they be read for the information of the Senate.

Mr. EDMONDS. Mr. President, there is no objection to that.

The PRESIDENT. The Clerk will read the amendments for the information of the Senate.

The amendment was read as follows:

Amend Section 401, page 14, line 26 by inserting after "Trust Companies" and before the word "Bank" the words: "and other persons" Amend Section 401, page 14, line 27 by striking out the words: "to do business" Amend Section 401, page 14, line 27 by inserting after the word "companies" and before the word "duly" the following words: "and other persons" Amend Section 401, page 14, line 28 by inserting after the word "Commonwealth" and before the word "may" the following: "to engage in the business of lending money to licensed distillers, rectifiers, importers and distillery certificate brokers" Amend Section 401, page 15, line 3, by inserting after the word "companies" and before the word "may" the following: "and other persons"

Mr. EDMONDS. Mr. President, I have objected to the offering of the amendments, and I want to take a moment to explain my objection.

In this bill it is provided, in Section 401, that banks and trust companies which are authorized to do business within this Commonwealth, may, without the permit required under the provisions of this act, accept distillery bonded warehouse certificates as security or collateral for any loan and may liquidate such collateral by sale only to licensed distillers, rectifiers, importers or distillery certificate brokers.

Now, the object of this amendment is to see that other persons who are also engaged in the business of financing whiskey may engage in this same business without a permit. I have discussed this matter in great detail with representatives of the Liquor Control Board. I thought yesterday, when the gentleman from Westmoreland, Mr. Dent, first made his suggestion, that there was merit in it, that people engaged in the brokerage business should have the right to engage in that business. However, the only requirement is that they should take out a permit which cost one hundred dollars; and if they are extensively engaged in the business the cost is not very great; but, by taking out a permit they bring their business under the supervision of the Liquor Control Board, whereas if they do not take out a permit their business would not be under that supervision.

If a man lends money to a liquor manufacturer and gets liquor certificates as collateral, and then forecloses on his collateral, it is important that the Liquor Control Board should know where that collateral goes; otherwise it might appear in the hands of those who have been engaged in traffic along these lines. I therefore, Mr. President, have reached the conclusion that the Liquor Control Board is right, and the bill should not be amended if the purpose of the bill is to be carried into effect, and that is the reason I object to the amendments.

Mr. DENT. Mr. President, I do not like to see a man as intelligent as the gentleman from Montgomery read a bill and then explain it to the Senate in such an untrue light.

This bill started out to regulate the peddling of whiskey certificates, and legitimate business men in the State are agreed to that proposition; but what happens when the bill is written?

You say that a person or a business, say a brokerage firm or a discount firm, takes these whiskey certificates as collateral, and then the Liquor Control Board does not know where they are going to dispose of them. Read Section 401 of the act, and what does it say? It says, under the provisions of this act; banks and trust companies that accept distillery bonded warehouse certicates as security or collateral for any loan made in the regular conduct of their business may liquidate such security or collateral by sale only to licensed distillers, rectifiers, importers or distillery certificate brokers.

All we ask in the amendment is that you do not put out of business small distilleries in Western Pennsylvania; that is all we ask in this act. We go along with the proposition that peddlers of whiskey certificates should come under the jurisdiction of the Securities Exchange Commission. We go along with the proposition that anybody who sells these certificates must come under the jurisdiction of the Liquor Control Board, but it is unfair to say to a small distiller that he cannot go to a neighbor, he cannot go to a trusted friend, and say to him, "I need $10,000," and he cannot get the $10,000 unless his friend first goes to the Securities Exchange Commission and spends a hundred dollars—and maybe three months—in trying to get a brokerage license.

I say to you gentlemen that is not the true light of this picture. The picture you try to paint is one where widows and orphans will be saved and no fraudulent certificates will be sold. We agree on that; there is no argument on that phase of the bill; that is what the bill started out to be. I am suggesting, Mr. President, that the whiskey distillers are the ones who asked for this bill for their own protection, because their certificates are bona fide, and those which were being sold were fraudulent certificates; and in order to uphold the value of their own certificates they asked for this piece of legislation; but somebody on the Liquor Control Board insists on looking into the books of companies like the Commercial Credit Company or the Philadelphia Acceptance Corporation or the C. I. T. and many other large companies which make a business of discounting paper of small distillers who are not big enough, and who will be put out of business if you pass this law.

I want to say to you there are three distillers in my county, and they are legitimate businesses today, and they are entitled to the privilege and protection of doing business in the Commonwealth, and I do not see why a

snooping lawyer from the Liquor Control Board should want to stick his nose into the business of other people who are doing business discounting paper. What he wants to do is his own business, but if you want to do that, do it in a separate bill, so that the true light can be shown to the people of Pennsylvania and the Senators of this Senate; and not in a bill designed to do a good thing.

We do not ask any special privileges in this business; all we ask is that you allow them, when they need money, to be able to get money without forcing them to go to banks and trust companies which, in many instances, will not lend the money because they lack the financial backing.

I say, gentlemen, this is a most serious situation; and when I discovered today that some one on the Liquor Control Board was very much interested I called up the chairman of the Liquor Control Board, one Walter H. Hitchler, I think, whom we recently confirmed, and I spoke to the gentleman and he was very courteous to me. He said, "That is not the amendment that was discussed with me; there is no opposition to such a proposition as you give it to me." He said, "We object, of course, to opening it up without any restriction, but when you specifically say in the amendment that only those persons authorized to do business, and who are customarily doing business, lending money to distillers, rectifiers and importers;" those people have done that business for years; and now you say they can not do it you say, oh, yes, they can get a hundred dollar certificate. Do you think that a big acceptance corporation, the Commercial Credit Company, that does millions of dollars worth of business a year, of which this is probably only a small percentage of their business, is going to lend money to the small distiller for the little profit there is in it, and subject their books to the scrutiny which may not hurt them, but subjects them to the annoyance of people who know practically nothing about it coming in and going through loans they have on automobiles, and other collateral.

I say, gentlemen, it is unfair. Take a non-partisan viewpoint on this. This is a serious problem—I do not desire to hold up the Senate in long debate; but to me it is serious. There are three distillers operating in my county, who are very small and can not borrow money through the channels that are laid out in this act, but who have banded themselves together and now, with their combined assets in a little corporation, can discount their paper; but they cannot do that with this act in force. I want to say that when I talked to the Chairman of the Liquor Control Board he promised that he would send to me this lawyer in the Liquor Control Board, one Segelbaum, and tell him to come up here; and I have waited patiently five hours for Mr. Segelbaum. He does not want to come up here because his arguments do not hold the logic of good common sense. There is no argument that they have yet faced me with that destroys my conviction in the fact that this bill, which originally was designed to do good, is going to do evil.

I do not suppose that it means anything to some of you, because I understand it is the orders of the department; but I do not believe the department should have the say of the Senate of Pennsylvania on a serious thing such as this.

No one is arguing against supervision and regulation of peddlers, of men who deal in certificates; and remember, the men who loan this money to the distillers are not permitted to resell the certificates; they can not peddle them to the public; the public is not being protected by that provision in Section 401; there is nothing in that provision which would take away from the public the protection we want to give to them. All you are doing here, as I have said before, is saying to a group of small distillers, rectifiers and importers, legitimate business men, that they are to be strangled and driven out of business by the large corporations that have the ability to discount their paper. I plead with you not to vote against these amendments.

Mr. CAVALCANTE. Mr. President, may we have a vote on the motion?

The PRESIDENT. Was the motion seconded?

MOTION TO RECONSIDER

Mr. DENT. Mr. President, since unanimous permission was not granted, I move that the vote by which this bill passed third reading be reconsidered, in order that we may get the bill back in a position where the amendments may be considered.

Mr. CAVALCANTE. I second the motion.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I suggest that the bill has passed third reading and therefore the gentleman's motion is not in order.

Mr. DENT. Mr. President, I said second reading.

Mr. CAVALCANTE. Mr. President, it is on third reading now.

The PRESIDENT. The motion is that the vote by which Senate Bill No. 969, (House Bill No. 1036), passed second reading be reconsidered. Are you ready for the question?

On the question,

Will the Senate agree to the motion?

There being uncertainty as to the vote, a decision was called for.

Mr. DENT. Roll call, Mr. President.

The PRESIDENT. A standing vote will be taken. Those in favor of the motion will so signify by standing.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT. The motion is, shall the vote by which this bill passed second reading be reconsidered? Those in favor are standing, and will stand until they are counted.

Mr. DENT. Mr. President, I suggest a roll call may be a time-saver.

The PRESIDENT. The Chair thinks we had better have a roll call. The Clerk will call the roll.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I would like to know what is before the Senate.

The PRESIDENT. The question before the Senate is as to whether or not the vote by which Senate Bill No. 969 passed second reading be reconsidered; and a vote "aye"

will be to reconsider the vote by which it passed second reading.

The yeas and nays were required by Mr. DENT, and were as follows, viz:

YEAS—23

Cavalcante,	Haluska,	McGinnis,	Sipe,
Coleman,	Heyburn,	Miller,	Stiefel,
Dando,	James,	Mundy,	Tallman,
Dent,	Jaspan,	Reed,	Walker,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Gilson,	Lanius,	Ruth,	

NAYS—20

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Woodward,
Ealy,	Homsher,	Scarlett,	Gelder,
			Pres. Pro. Tem.

So the question was determined in the affirmative.

RECONSIDERATION OF SENATE BILL No. 969
(HOUSE BILL No. 1036)

Mr. DENT. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye."

Mr. CAVALCANTE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. CAVALCANTE. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Articles eight to five of the bill were severally reconsidered.

Mr. DENT. Mr. President, I move that the Senate do now reconsider the vote by which the fourth article was agreed to.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the fourth article of the bill?

Mr. DENT. Mr. President, I move to amend Section 401, page 14, line 26 by inserting after "Trust Companies" and before the word "Bank" the words: "and other persons"; amend section 401, page 14, line 27 by striking out the words: 'to do business"; amend Section 401, page 14, line 27 by inserting after the word "companies" and before the word "duly" the following words: "and other persons"; amend Section 401, page 14, line 28 by inserting after the word "monwealth" and before the word "may" the following: "to engage in the business of lending money to licensed distillers, rectifiers, importers and distillery certificate brokers"; amend Section 401, page 15, line 3 by inserting after the word "companies" and before the word "may" the following: "and other persons."

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth, sixth, seventh and eighth articles of the bill were read as follows and agreed to:

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

Section 501 Act to be Administered by Board The administration of the provisions of this act shall be vested in the board It shall be the duty of the board to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and make such investigations as will detect the violations of any provisions thereof In the event it shall discover any violation it shall in addition to revoking any permit or registration of an agent take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof

Section 502 Power of Board to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act Such regulations adopted by the board shall have the same force and effect as if they formed a part of this act

Section 503 Power to Summon Witnesses and to Require Production of Records The board may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to any matter which the board has authority by this act to consider or investigate and for this purpose any member of the board may sign subpoenas and summons administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or summons or of the contumacy of any witness appearing before the board or any member thereof the board or member thereof may invoke the aid of any court of common pleas of this Commonwealth and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence or produce books accounts records papers and corresponddence touching the matter in question Any failure to obey such order of court may be punished by such court as a contempt thereof

ARTICLE VI

FINES AND PENALTIES

Section 601 Penalties Any person who shall violate any of the provisions of this act or who shall engage in any fraud or fraudulent practice as defined herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not less than One Thouasnd Dollars ($1,000) nor more than Five Thousand Dollars ($5,000) or undergo imprisonment of not less than one year nor more than five years or both at the discretion of the court

ARTICLE VII

DISPOSITIONS OF MONEYS

Section 701 All filing registration and permit fees collected or received under this act shall be paid into the State Treasury through the Department of Revenue into "The State Stores Fund" and shall be available for the purposes for which moneys in such fund are appropriated by law

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801 Effective Date This act shall become effective thirty days after its final enactment

Section 802 Repeal All acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

The title of the bill was read as follows and agreed to:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties

upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the amendment?

Mr. EDMONDS. Mr. President, I ask a roll call on the amendments, but before that I would like to say my feeling is that the amendments as prepared will defeat the purpose of the bill. Now, consider there is no objection to the small distiller going to his bank to borrow; there is no objection to his going to a trust company to borrow; there is no objection to his going to a note broker, if the note broker will register. Several of those note brokers are large and successful firms, and I think the gentleman from Westmoreland referred to one of them as having millions of dollars. There is no penalty, I think, in asking for a small registration fee in comparison with their business, and in so doing they bring themselves and the disposal of the certificates under the supervision of the department, and that is the object of the bill.

It seems to me that those who are in sympathy with the plan that the bill sets up ought to vote against the amendments, because they strike out the heart of the bill.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated.

Mr. EDMONDS. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, I would like to inquire from the gentleman from Montgomery whether this bill would require me to have a permit if a distiller who might be a friend of mine would come to me to borrow money, and I would be fortunate enough to have the money and I loaned him the money, and the distiller, my friend, would leave with me as collateral the distillery warehouse receipt to secure me for the loan.

Mr. EDMONDS. Mr. President, under those circumstances, if the Senator from Fayette is going to come into possession of warehouse receipts he ought to be obliged to register.

Mr. CAVALCANTE. Then, Mr. President, under the act I would be required to register,

Mr. EDMONDS. Yes, Mr. President.

Mr. REED. Mr. President, may I interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. I will, Mr. President.

Mr. REED. Mr. President, under those circumstances would that be a violation of the provision of the constitution which has to do with an apparent contract.

Mr. EDMONDS. Mr. President, I would say no, because this is under the policing power of the State; it is for the purpose of preventing wrongdoing.

Mr. CAVALCANTE. Mr. President, do I understand well then from the gentleman from Montgomery that the only persons that are permitted to take distillery warehouse receipts without a permit are banks and trust companies, and they are completely exempted from this act, and they may liquidate these distillery warehouse receipts without any interference from anybody.

Mr. EDMONDS. Mr. President, that is because they are under the supervision of the State. That is their business the Senator referred to and the Senator himself, if he were in that position, would not be under that supervision.

Mr. DENT. Mr. President, I submit that those organizations I spoke about are under the supervision of the State but they are not under the scrutiny of the Liquor Control Board. Why did you not include banks and trust companies and let them be investigated?

Mr. EDMONDS. They can be, Mr. President; they are under registration.

Mr. DENT. Mr. President, I should like to inquire whether the Senator from Montgomery read the amendments?

Mr. EDMONDS. No, Mr. President, but the Department of Banking has knowledge of what the banks do. Who has knowledge of what the brokers do?

Mr. DENT. Mr. President, who could lose money in a transaction between a distiller and his own broker?

Mr. EDMONDS. That is not the question, Mr. President.

Mr. DENT. It is the question, Mr. President, I beg your pardon. I will read it again for the information of the Senator from Montgomery.

Mr. EDMONDS. Mr. President, the question is what happens to the securities after they leave the possession of the broker?

Mr. DENT. Mr. President, I will read it again: ". . . may liquidate such security or collateral by sale only to licensed distillers, rectifiers, importers or distillery certificate brokers." That is all they can do; they are not allowed to sell them to the public. What protection does the public get from that?

Mr. EDMONDS. Mr. President, we are putting into the hands of the board the power to see that that is done.

Mr. DENT. Mr. President, I submit maybe I cannot read law, but I think the gentleman from Montgomery is just evading the situation. He agreed with me yesterday and agreed with me this morning but he does not agree when Segalbaum gets his "bum" in.

Mr. EDMONDS. Mr. President, the gentleman from Westmoreland had some friends with him yesterday who made the statement that if this bill goes through they would be out of business. Obviously that appealed to me and I said to the Senator I thought there was merit in the contention. I found the "out of business" meant they did not want to pay one hundred dollars for registration. If that be the case then it does not seem to me the situation is as meritorious as I thought it was.

Mr. DENT. Mr. President, may I inquire from the Senator from Montgomery whether this bill would prevent me from loaning money to a distiller friend if I so desired, using whiskey certificates as collateral.

Mr. EDMONDS. Mr. President, as soon as the whiskey certificates come into the hands of the Senator from Westmoreland then he must register.

Mr. DENT. Mr. President, if I should want to loan five or six hundred dollars to a distiller friend so that he could pay Federal taxes in order to get whiskey out of a bonded warehouse and sell it to a State store, which might take ninety day, would I have to come down here and pay a hundred dollars for trying to help a friend?

Mr. EDMONDS. Certainly, if you are going to deal in certificates.

The PRESIDENT. The Chair would suggest that the Senators address the Chair. If the Senators will address the Chair, the Chair may succeed in keeping order so that we may all understand.

POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Cambria will state his point of order.

Mr. HALUSKA. Mr. President, I desire to know whether interrogations are being conducted or conversations.

The PRESIDENT. That is what the Chair is trying to regulate.

Mr. DENT. Mr. President, I submit that under this law, even if I loaned money to my friend, I could not dispose of those certificates—that is the law.

The public is amply protected by the provisions of the act, but you are going too far when you say he can not borrow money from his friends: many distillers can not borrow money from banks but they have friends who will lend them money.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. FREY, and were as follows, viz:

YEAS—24

Cavalcante,	Gilson,	Lanius.	Ruth,
Coleman,	Haluska,	McGinnis,	Sipe,
Dando,	Heyburn.	Miller,	Stiefel,
Dent,	James,	Mundy,	Tallman,
DiSilvestro,	Jaspan,	Reed,	Walker,
Eroe,	Kilgallen,	Rice,	Wolfenden,

NAYS—20

Bartlett,	Edmonds,	Letzler,	Snowden,
Chapman,	Farrell,	Mallery,	Stevenson,
Crowe,	Frey,	Owlett,	Thomas,
Deitrick,	Geltz,	Pierson,	Woodward,
Ealy,	Homsher,	Scarlett,	Gelder,
			Pres. Pro. Tem.

So the question was determined in the affirmative.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION COMMENDING THE OBJECTS AND PURPOSES OF THE NATIONAL CONFERENCES OF JEWS AND CHRISTIANS

Mr. RUTH. Mr. President, I ask unanimous consent to offer a resoultion at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 18, 1939.

Whereas, The promotion of a feeling of good will amongst all peoples that share the common heritage which we Americans have received from our fathers and of which we are so justly proud, is a fundamental concept of American liberty;

Whereas, The United States of America is dedicated to the truth that all men are "endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness"; and

Whereas, The National Conference of Jews and Christians was created for the avowed purpose of furthering the cause of amity, understanding and cooperation among Protestants, Catholics, and Jews; and

Whereas, Under the American tradition of liberty, we are blessed by a land wherein people of different religious convictions and differing cultural traditions may live together in amity and mutual respect; therefore

Be It Resolved: That the members of the Senate of the 133rd General Assembly of Pennsylvania endorse the objects and purposes of the National Conference of Jews and Christians, consecrated to the cause of religious tolerance and good will among persons of all faith, for whom civil liberties and religious rights are based upon the principles of loyalty to these fundamentals of just government, and to the support of the traditions of American life which is the truly American ideal; and

Be It Further Resolved: That properly authenticated copies of this resolution be forwarded by the Clerk of the Senate to the director of the National Conference of Jews and Christians in New York City.

REPORTS FROM COMMITTEES

Mr. KILGALLEN. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN, from the Comittee on Municipal Government, reported as committed, Senate Bill No. 856, entitled:

An Act providing a method whereby boroughs may collect over a period of years from owners of property benefited thereby assessments for permanent paving and improvement of streets, alleys, sidewalks or other highways or parts thereof; prescribing the effect of filing municipal claims for such assessments, the interest to be charged thereon, the length of time the lien thereof shall run, and the procedure for collection upon default in such payments.

Mr. OWLETT. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Municipal Government, reported as committed, Senate Bill No. 707, (House Bill No. 95), entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff, free and clear of tax and municipal claims, for a sum less than the total amount of delinquent tax and municipal claims, under certain conditions, and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 1094, entitled:

An Act to further amend section one of the act, approved the ninth day of July, one thousand nine hundred and nineteen (P. L. 794), entitled "An act providing that estates in buildings, ground, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," by extending the exemption to include such estates passing through the exercise by any person of a power of appointment with respect thereto, whether the donor of such power died before or after the date of the said act, and to estates in any moneys and funds given in connection with any of the estates described.

BILL INTRODUCED

Mr. PIERSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PIERSON, read in place and presented to the Chair Senate Bill No. 1099, entitled:

An Act requiring all employable persons receiving public assistance, with certain exceptions to perform certain work or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on certain State and local officers and employes, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed.

Which was committed to the Committee on Labor and Industry.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 42. as follows:

An Act establishing and relating to a judicial council

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Judicial Council of the Commonwealth of Pennsylvania Created Membership There is hereby created and established a judicial council of the Commonwealth of Pennsylvania The judicial council of the Commonwealth of Pennsylvania shall consist of four members of the bar of different parts of the Commonwealth and two citizens of the Commonwealth at large to be appointed by the Governor by and with the advice and consent of the Senate the Chief Justice of the Supreme Court the President Judge of the Superior Court the Chairman of the Committee on the Judiciary of the Senate the ranking minority member of the Committee on the Judiciary of the Senate the Chairman of the Committee on Judiciary of the House of Representatives the ranking minority member of the Committee on the Judiciary of the House of Representatives the head of the Legislative Reference Bureau and the Attorney General shall by virtue of their respective offices be members of such judicial council

Section 2 Qualifications Terms of Office Vacancies Ex-officio membership in the judicial council shall not constitute holding a public office Membership in the council by any judge or justice shall be deemed to be one of the judicial functions of such judge or justice The Chief Justice of the Supreme Court and the Attorney General shall be members during their terms of office the President Judge of the Superior Court shall be a member during his term of office the Chairman and ranking minority member of the Committee on Judiciary of the Senate and the Chairman and ranking minority member of the Committee on Judiciary of the House of Representatives shall be members during their respective designations as such Chairman or ranking minority members the head of the Legislative Reference Bureau shall be a member during his term of appointment The remaining members shall be appointed for a term of two years Vacancies occurring during the terms of office of an appointed member shall be filled in the same manner as the original appointment and for the unexpired term

Section 3 Temporary Designations The Chief Justice of the Supreme Court may from time to time designate in writing a judge of said court to act in his stead as a member of the council for a stated time or until said Chief Justice revokes such designation the President Judge of the Superior Court may from time to time designate in writing an associate judge of said court to act in his stead as a member of the council for a stated time or until said President Judge revokes such designation The judge or justice so designated shall have all the powers and duties of a member of the council during the period of his designation

Section 4 Organization The Chief Justice of the Supreme Court shall be the chairman of the council and any justice of said court designated as provided in section three to act in his stead as a member of the council shall during the period of his designation act as such chairman The council shall appoint from its members a vice-chairman who in the absence or disability of the chairman or in case of vacancy shall act as chairman The council on the nomination of the chairman shall appoint and may at pleasure remove employes including persons qualified for legal research investigating and statistical work as may be deemed necessary to enable the council to perform its duties and administer its affairs and from time to time to fix their salaries or compensation within the appropriation therefor made by the Legislature The council may make and modify from time to time rules and regulations for the conduct of its proceedings and the exercise of its powers including provisions (a) for regular meeting and for the method of calling special meetings of the council (b) defining the number of members of the council which shall be necessary to constitute a quorum for the transaction of its business (c) prescribing the duties of its executive secretary and other employes of the council and (d) for the conduct of hearings and investigations authorized to be conducted by the council or any committee of the council The council may appoint regular and special committees of its members to investigate and report upon any matters relating to the duties imposed upon the council

Section 5 Expenses of Members Each member of the council shall serve without compensation but shall be allowed and paid his actual and necessary expenses incurred in the performance of his duties

Section 6 Powers and Duties The council shall have the power and shall be charged with the following duties

(a) To make a continuous survey and study of the organization jurisdiction procedure practice rules and methods of administration and operation of each and all the courts of the Commonwealth including both courts of record and courts not of record the volume and condition of business in said courts the work accomplished and the results obtained

(b) To collect compile analyze and publish the judicial statistics of the Commonwealth

(c) To receive consider and in its discretion investigate criticism and suggestions from any source pertaining to the administration of justice and to make recommendations in reference thereto

(d) To keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning legislation affecting the organization jurisdiction operation procedure and practice of the courts

(e) To recommend from time to time to the Legislature any change in the organization jurisdiction operation procedure and methods of conducting the business in the courts which can be put into effect only by legislative action and to recommend to any court or to any body vested with the rule making power for any court any changes in the rules and practice of said courts or the methods of administering judicial business therein which in the judgment of the council would simplify and expedite or otherwise improve the administration of justice therein

(f) To adopt and from time to time to amend and promulgate rules and regulations not inconsistent with any statute with respect to the manner of keeping records of the business of any court either of record or not of record

Section 7 Reports to Council The clerk of each court of the Commonwealth and each judge or justice of a court not of record which has no clerk and each official referee and the district attorney parole and probation officers of each county shall make to the council periodically or from time to time as the council shall prescribe such reports on such matters and in such detail and form as the council directs

Section 8 Public Hearings The council and any committee of the council empowered by it are authorized to make an investigation and to hold public or private hearings with respect to any matters relating to the powers and duties imposed upon it and in connection therewith the council or any such committee thereof shall have power to subpoena and compel the attendance of witnesses

and to require the production of any or all books records and documents and to take and hear proofs and testimony Such subpoenas shall be issued and signed by the chairman or vice-chairman of the council or of any such committee of the council

Section 9 Reports of Council to Legislature The council shall on or before January fifteenth of each year make a report to the Legislature of its proceedings of the work of the various courts of the Commonwealth during the past judicial year the conditions of business therein and any recommendations which require action by the Legislature to improve the administration of justice It may during legislative session make such further and supplemental reports as it may deem proper The judicial year is defined as the year beginning July first and ending June thirtieth of the succeeding year

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 283, (House Bill No. 355), entitled:

An Act to amend clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars and reducing the time for petitions in such cases from one year to six months from the date of granting of letters.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 285, (House Bill No. 357), entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival or actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by fixing the rate of interest to be paid on pecuniary legacies and the time from which it shall be paid

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 287, (House Bill No. 441), entitled:

An Act to further amend clause (c) of section two of the act approved the seventh day of June one thoussand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land and the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the

audit and review of accounts of fiduciaries refunding bonds transcripts to the courts of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by providing for the distribution by the orphans' court of certain estates of persons dying intestate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 297, (House Bill No. 359), entitled:

An Act to add clause (f) of section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthirft trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by empowering the orphans' court in certain cases to extend the time for filing of elections by surviving spouses to take under or against wills of decedents

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 298, (House Bill No. 362), entitled:

An Act to amend clause (d) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents" increasing the amount of estates of minors that may be paid without the appointment of a guardian

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. STEVENSON. Mr. President, I ask unanimous consent that Senate Bill No. 321, on second reading, entitled:

An Act to amend section four of the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1595) entitled "An act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts" by providing for the appointment of deputy sheriffs to serve during emergencies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE. Mr. President, I do not find, Senate Bill No. 321 on my desk. The bill is not on my desk and I do not know what it is.

The PRESIDENT. Does the gentleman object to the bill passing second reading?

Mr. CAVALCANTE. Mr. President, I only want to see what the bill contains, as reported out from the committee, but I do not find it in my folder.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 379, (House Bill No. 104), entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by and did not have stamped thereon a facsimile signature of the controller of the county as required by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 407, on second reading, entitled:

An Act to amend section five hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and re-

pealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by allowing a change of the fiscal year of school districts of the second class

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. COLEMAN. Mr. President. I should like to ask the reason for recommitting this bill.

Mr. OWLETT. Mr. President, I have asked to have this bill recommitted because it was not considered by the committee.

Mr. COLEMAN. Mr. President, may I ask why it was reported out of committee.

Mr. OWLETT. Mr. President, I am told it was reported out by the chairman of a sub-committee on the statement of the Senator from Lackawanna that it had been agreed upon, which I do not understand now is true.

Mr. COLEMAN. Mr. President, will the Senator from Tioga please repeat that, I did not understand him.

Mr. OWLETT. Mr. President, I am told that the bill was reported to the floor by the chairman of a sub-committee that had it in charge for study, on the understanding that it was now satisfactory to all the parties in interest, and to the committee, without that fact being correct.

Mr. COLEMAN. In answer to that, Mr. President, I had no agreement, conferred with no sub-committee, and had no idea that the bill was referred to a sub-committee. I understand the bill will affect some twenty-odd second class districts in the Commonwealth, so I prepared an amendment affecting only Scranton, without limitations to other second class A cities, and I asked the chairman of the committee to report the bill out and give some favorable consideration to my amendments.

Mr. OWLETT. Mr. President, I should like to interrogate the Senator from Lackawanna, Mr. Coleman.

The PRESIDENT. Will the Senator from Lackawanna, Mr. Coleman, permit himself to be interrogated.

Mr. COLEMAN. I will, Mr. President.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Lackawanna if he is not a member of the Committee on Municipal Government.

Mr. COLEMAN. I am not, Mr. President.

Mr. OWLETT. Mr. President, I desire to interrogate the chairman of the Committee on Municipal Affairs, Mr. Stevenson.

The PRESIDENT. Will the Senator from Clinton, Mr. Stevenson, permit himself to be interrogated?

Mr. STEVENSON. I will, Mr. President.

Mr. OWLETT. Mr. President, I would like to inquire from the Senator from Clinton whether this bill was ever considered by the Committee on Municipal Government.

Mr. STEVENSON. Mr. President, I understand that the bill was in the hands of a sub-committee.

Mr. COLEMAN. Mr. President, if the gentlemen will suspend the interrogation, I think the Senator from Clinton is confused as to the bill. This bill was never before the Committee on Municipal Government and never considered. I think the gentleman has in mind an entirely different bill, and I ask that the membership of the House vote down the motion to recommit this bill. This is a bill which vitally affects the interests of the people of the City of Scranton. We are going down the home stretch of this legislative session and I see no purpose in recommitting the bill. I ask the members of the House to oppose the motion to have it sent back to committee.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT, and were as follows, viz;

YEAS—23

Bartlett,	Heyburn,	Owlett,	Thomas,
Chapman,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Scarlett,	Wolfenden,
Ealy,	Letzler,	Snowden,	Woodward,
Edmonds,	Mallery,	Stevenson,	Gelder,
Geltz,	Miller.	Tallman,	Pres. Pro Tem.

NAYS—16

Cavalcante,	Dent,	Jaspan,	Reed,
Coleman,	DiSilvestro,	Kilgallen,	Ruth,
Crowe,	Eroe,	McGinnis,	Sipe,
Dando,	Gilson,	Mundy,	Stiefel,

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 479, (House Bill No. 182), entitled:

An Act to amend section four hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by extending the provisions as to headstones markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 495, entitled:

An Act to amend sections three and four of the act approved the first day of December one thousand nine hundred and thirty-eight (P. L. 111) entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or devices in furtherance of gambling making illegel the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the

use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" by providing that contracts shall not be required for private wires used for radio broadcasting by certain protective services or in interstate commerce

The first and second sections of the bill were read as follows and agreed to:

Section 1 Sections three and four of the act approved the first day of December one thousand nine hundred and thirty-eight (Pamphlet Laws 111) entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" are hereby amended to read as follows

Section 3 It shall be unlawful for any public utility to furnish to any person any private wire except in pursuance of a written contract signed by the public utility by the person contracting for said private wire and responsible under the terms of the contract for the payment for the service and by the person in possession or control of any place or location designated in the contract for installation or connection of said private wire which contract shall include a detailed written statement of the purpose for which such private wire is intended to be used Provided That this section shall not apply to the furnishing of any private wire in case of public emergency or where the furnishing of the said private wire is for a temporary purpose not to exceed 48 hours Provided however That this section shall not apply to any private wire furnished for use in radio broadcasting or to any private wire furnished for use by any protective service operating under a franchise granted by any municipality or to any private wire furnished for use in interstate commerce or to any private wire furnished for use of newspapers of general circulation

Section 4 It shall be unlawful for any public utility to furnish to any person any private wire without first furnishing to the commission a duplicate original of the written contract required by section 3 The commission shall examine the same forthwith and conduct such investigation as it may deem necessary and if upon examination of the contract or after investigation or otherwise at any time the commission shall find that the said private wire is intended for or has been used for or is being used for the transmission of information or advices in furtherance of gambling the commission shall disapprove the said contract and give notice of such disapproval to the contracting parties Thereafter it shall be unlawful for any public utility to furnish the said private wire provided for in the said contract Provided That this section shall not apply to the furnishing of any private wire in case of public emergency or where the furnishing of the said private wire is for a temporary purpose not to exceed 48 hours

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act to amend sections three and four of the act approved the first day of December one thousand nine hundred and thirty-eight (P. L. 111) entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" by providing that contracts shall not be required for private wires used for radio broadcasting by certain protective services or in interstate commerce

On the question,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend title, page 2, line 10 from top of page, by striking out with heavy-face brackets the word S "or"

Amend title, page 2, line 10 from top of page, by inserting after the word "commerce" the following:
S "or for newspapers of general circulation"

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 517, as follows:

An Act to amend Section 6 of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand six hundred three) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational school departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" by making further provision for the levy and assessment of taxes and for reimbursements by the Commonwealth in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand six hundred three) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education

and providing for referendum in certain cases" is hereby amended to read as follows

Section 6 The board of directors of vocational schools of each vocational school district shall have power if and when necessary to levy an annual tax on all property within the district taxable for such school purposes on the assessed valuation used for county tax purposes Said taxes shall be levied and assessed due and payable at the same time and in the same manner as school taxes are levied and assessed and due and payable in the respective school districts and the same shall be included in the school tax item on the tax notice as rendered The boards of directors shall prepare duplicates of such taxes and provide for the collection of such taxes by issuing warrants to the respective collectors of taxes in each city borough incorporated town and township within the districts The compensation for the collection of such taxes shall be fixed by the board of directors In the collection of such taxes the respective tax collectors shall have all the powers of collectors of county taxes If any collector of taxes shall refuse or neglect to collect such district taxes or for fifteen days after notice so to do neglect or refuse to furnish a bond as herein provided the board of directors shall have power to appoint a tax collector for such district Each tax collector shall give a separate bond annually to the Commonwealth for the use of said district in such amount as the board of directors may fix The same discounts for prompt payment and the same penalties for delinquency shall apply to such taxes as in the case of county taxes and exonerations of district taxes may be allowed by the directors thereof in the same manner as other taxes are now exonerated Delinquent taxes of the district may be collected by return and county treasurer's sale thereon or by lien filed in the office of the prothonotary in the same manner as county taxes

The Commonwealth shall reimburse the vocational school districts herein established in the same manner and to the same extent as is provided by existing law for salaries of teachers transportation and tuition of pupils and any other reimbursement to which school districts are now or shall hereafter be entitled Provided That any vocational school district consisting of all the school districts that are under the jurisdiction of the county superintendent shall be reimbursed to an amount which when added to all other items of reimbursement from the Commonwealth as provided by law shall total eighty per centum (80%) of the sum expended for approved salaries and travel of the teaching supervisory and administrative staffs for the transportation and tuition of pupils during the previous year and any other reimbursements to which school districts are now or shall hereafter be entitled

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 523, (House Bill No. 664) on second reading, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

go over in its order.

The PRESIDENT. Is there objection? The Chairs hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 526, (House Bill No. 864), entitled:

An Act to amend clause (b) of section six hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing, and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof, and to levy taxes to pay interest and sinking fund charges on bonds of such districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 600, (House Bill No. 508), entitled:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 629, (House Bill No. 927), entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations

imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 659, as follows:

An Act to add section four hundred and twevle to article four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts to enter into agreements with universities and colleges for the conduct of extension education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providding revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding at the end thereof a new section numbered four hundred and twevle to read as follows

Section 412 It shall be lawful for the board of school directors or the board of public education in any school district in this Commonwealth to enter into an agreement or agreements with any university or college in this Commonwealth whereby the said university or college shall conduct such extension education as is now or may hereafter be authorized by law under the supervision of the board of school directors or the board of public education of said district

And said bill having been read at length the second tibe and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 660, as follows:

An Act to amend section four of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" as amended giving school districts power to enter into contract with public institutions of higher learning for the conduct of classes and to compensate such institution therefor and providing for a partial reimbursement of such moneys from State and Federal funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" as amended by the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2548) is hereby further amended to read as follows

Section 4 Any school district may through its board of school directors

(a) Establish and maintain vocational industrial vocational agricultural vocational home economics and vocational distributive occupational schools or departments

(b) Receive any donation made to said school district for the conduct of any vocational school or department or vocational evening classes The donation shall be administered by or under the direction of the board of directors of the district to which it is made subject to the approval of the Superintendent of Public Instruction Provided That the board of school directors in any district shall not be obliged to accept any such donation unless it seems proper so to do

(c) Require a deposit fee of a sum not to exceed ten dollars ($10.00) from each person enrolling in evening vocational schools or classes Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five (75) per cent or more of the class sessions of said terms Provided That nothing herein shall be construed as prohibiting the return of said deposit fee because of death sickness or any other cause which the board may deem justifiable

(d) Enter into a contract subject to the approval of the State Superintendent of Public Instruction whereby any public institution of higher learning may conduct schools classes or other educational activities of less than college grade in vocational industrial vocational agricultural vocational home economics and vocational distributive occupations for said school district Furthermore the said school district shall compensate the public institution of higher learning for salaries travel and such other costs and expenditures as may appear in the terms of the said approved contract and further the said school district shall submit a statement to the State Superintendent of Public Instruction showing the amount previously paid to the public institution of higher learning itemized as to salaries travel and such other costs and expenditures as appeared in the approved contract On the basis of such statement the State Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education shall by requisition upon the State Treasurer reimburse the said school district for those items in the statement that are reimbursable from State and Federal funds in accordance with rules and regulations provided in State and Federal Vocational Education Acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 665, (House Bill No. 555), entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district

taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

The first section of the bill was read as follows:

Section 1 All unpaid penalties and interest imposed on paid or unpaid delinquent county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight assessed and levied against any parcel or parcels of real estate and in counties of the second class on paid or unpaid delinquent poll taxes levied for any of such years are hereby abated without the necessity of any further action unless the authority levying the tax shall notify the county treasurer within thirty days after this act becomes effective that the taxing authority has rejected by a majority vote the provisions of this act if the unpaid delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

Unless the county treasurer shall so determine and publicly announce an extension to a date not later than November first one thousand nine hundred and thirty-nine of the last day which under this act a taxpayer may make his first installment payment and be entitled to the benefits of the act in order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-eight and all previous years and of the accurred interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred thirty-seven and one thousand nine hundred and thirty-eight taxes shall be paid on or before the first day of August one thousand nine hundred and thirty-nine twenty per centum on or before the first day of August one thousand nine hundred and forty twenty per centum on or before the first day of August one thousand nine hundred and forty-one twenty per centum on or before the first day of August one thousand nine hundred and forty-two and the final twenty per centum on or before the first day of August one thousand nine hundred and forty-three and all such taxes for the years subsequent to the year one thousand nine hundred and thirty-nine during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act If the county treasurer announces a date later than August first one thousand nine hundred and thirty-nine for receiving the first installment payment in such case each annual installment shall be due on or before that day and month of each following year

On the question,

Will the Senate agree to the section?

Mr. McGINNIS. Mr. President, I move to amend sec. 1, page 2, lines 2 and 3, by striking out the words S "(except city of the first class);" amend sec. 1, page 2, lines 3 and 4, by striking out the words S "(except school district of the first class)"

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third, fourth, fifth, sixth and seventh sections of the bill were read as follows and agreed to:

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of the unpaid delinquent taxes for the tax year one thousand nine hundred and thirty-eight and previous years at any time on or before August first one thousand nine hundred and thirty-nine by paying the entire amount of such unpaid delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight taxes and receive the benefit of this act

Section 3 This act shall be construed to apply to all such taxes penalties and interest whether or not such taxes have been returned or liens therefor have been filed in the office of the prothonotary of the county or proceedings for the collection thereof have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the unpaid delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the unpaid delinquent taxes assesed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of any county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such unpaid delinquent taxes or the person or persons in whose

custody the records of such unpaid delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the unpaid delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before August first one thousand nine hundred and thirty-nine and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If a county treasurer extends the date on which taxpayers may make their first installment payment and receive the benefits of the act in such case no sale shall be held by such treasurer before the date of extension fixed by him but all properties upon which such delinquent taxes are due and owing and which are not being paid under the installment plan herein provided shall be sold by such treasurer within three months after such extended date If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of said unpaid delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

The eighth section of the bill was read as follows:

Section 8 Except as qualified by section nine of this act the act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws 129) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 444) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws 10) the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 302) and the act approved the twenty-fifth day of October one thousand nine hundred and thirty-eight (Pamphlet Laws 64) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local or special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

On the question,

Will the Senate agree to the section?

Mr. McGINNIS. Mr. President, I move to amend sec. 8, page 9, line 17, by striking out the word S "and" and insert in lieu thereof "the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-seven, (P. L. 893);" amend sec. 8, page 9, line 18, by inserting after the figure "84)" the following: S "and the act approved the twenty-fifth day of October, one thousand nine hundred and thirty-eight, (P. L. 88)"

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth, tenth and eleventh sections of the bill were read as follows and agreed to:

Section 9 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under any of the acts referred to in section eight and any taxpayer who has made any payment or payments under any of the said acts but who defaulted in any payment required by such act may secure the benefits of this act by making payments on the balance due on all taxes covered by this act whether or not covered by the abatement act under which he was previously making payments

Section 10 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under any of the acts referred to in section eight and any taxpayer who has made any payment or payments under any of the said acts or any taxpayer who avails himself of the privilege of this act shall be permitted to pay to the county treasurer and the county treasurer shall receive at any time during the year amounts less than twenty per centum of the total amount due and payable under this act or any act referred to under section eight Provided however that the total payments made in any one year shall be equal to or in excess of the total amount due on any one contract or agreement to the county treasurer under the terms and provisions of this act

Section 11 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

On the question,

Will the Senate agree to the title?

Mr. McGINNIS. Mr. President, I move to amend title, page 1, lines 2 and 3 of title, by striking out the words S "(except city of the first class);" amend title, page 1, line 4 of title, by striking out the words S "(except school district of the first class)"

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER WITH AMENDMENTS

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 665, (House Bill No. 555), go over in its order with the amendment.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 738, (House Bill No. 1054), entitled:

An Act providing a method of annexation of parts of townships of the first class, not in excess of twenty per centum of the assessed value of any such townships to contiguious cities of the second class, boroughs or other contiguous townships of the first class, and regulating the proceedings pertaining thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 762, (House Bill No. 197), entitled:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 838, (House Bill No. 979), entitled:

An Act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of city in cities of the third class borough town township school district and institution district taxes providing for the collection of such taxes by suit distraint and lien and sale of the chattels of taxables and of tenants on the real estate effected and from employers of delinquent taxables authorizing the appointment of deputies by the tax collectors defining certain defaults of tax collectors as embezzlements and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 863, (House Bill No. 1147), entitled:

An Act to amend Section fifteen hundred and nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils teachers janitors or other employees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 867, (House Bill No. 1327), entitled:

An Act to amend section one thousand three hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prohibiting the issuance of cretificates to teach to persons not citizens except in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 878, (House Bill No. 658), entitled:

An Act to add clause forty-six to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 895, (House Bill No. 1103), on second reading, entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full and making an appropriation out of the Motor License Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 901, (House Bill No. 1130), entitled:

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 906, (House Bill No. 1171), entitled·

An Act to amend Section 1109-1 as added and section one thousand one hundred and eleven of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights power duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing for the powers and limitations upon powers of corporations with fiduciary powers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 921, (House Bill No. 1260), entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deed prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" excluding proceeds of life insurance •policies from the provisions thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 922, (House Bill No. 1262), entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" excluding proceeds of life insurance policies from the provisions thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 940, (House Bill No. 1114), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriation from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriations for public assistance and for advances to local county boards of assistance providing further for the refund of certain moneys paid into the State Treasury without escheat extending the time limit within which petitions for

review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

The first section of the bill was read as follows:

Section 1 Paragraphs (b) and (c) of section five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth" or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws two hundred eighty-three) are hereby further amended to read as follows

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that a substantial amount of the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appropriation or appropriations made for the purpose or credit the account of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that a substantial amount of the tax or bonus exclusive of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 1, page 4, line 11 by striking out, with lightface brackets, after the word "within" and before the word "days" the word: S ["forty-five"] and inserting in lieu thereof the word with underscoring "thirty," amend section 1, page 4, line 12 by striking out at the beginning of the line, with boldface brackets, the following: S "a substantial amount of", amend section 1, page 4, line 12 by inserting after the word "the" and before the word "tax", with underscoring the following: S "amount of" amend section 1, page 4, line 13 by inserting after the word "penalty" and before the word "was" the following, with underscoring: S "admitted to be due" amend section 1, page 4, line 13 by striking out at the end of the line, with lightface brackets, the following: S ["the time"] amend section 1, page 4, by striking out, with lightface brackets, line 14 and inserting in lieu thereof the following, with underscoring: "thirty days after the date when payment of the tax or bonus became due" amend section 1, page 4, line 27 by striking out at the end of the line, with boldface brackets, the following: S ["a substantial"] amend section 1, page 4, line 28 by striking out at the beginning of the line, with boldface brackets, the following: S ["amount of"] amend section 1, page 4, line 28 by inserting after the word "the" and before the word "tax" the following, with underscoring: S "amount of" amend section 1, page 4, line 28 by inserting after the word "penalty" and before the word "was" the following with underscoring: S "admitted to be due".

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third and fourth sections of the bill were read as follows and agreed to:

Section 2 Section five hundred four of the said act is hereby amended to read as follows

Section 504 Refund of Money Subject to Escheat Paid Into the State Treasury Appeal. The owner of any moneys which shall have been paid into the State Treasury by order of court, entered upon petition of the Attorney General alleging that such moneys were subject to escheat, or the legal representatives of such owner, may at any time apply to the Board of Finance and Revenue for a refund of the same, and, upon his making proof of his ownership or right of possession to the satisfaction of the board, such moneys shall be paid him, on the requisition of the board, and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury appropriated for the purpose, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof, and any moneys escheatable under the provisions of any act of Assembly, which have been heretofore voluntarily paid into the State Treasury, or which may be hereafter so paid, shall be likewise refunded in the same manner in which moneys so paid pursuant to an order of court are refunded under the provisions of this act. Any corporation or association, its successors or assigns, which shall have transmitted or delivered any shares or certificates of stock or other securities or the proceeds thereof to the State Treasury, or which shall have paid any moneys into the State Treasury, either voluntarily or under the provisions of an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat, may, at any time, apply to the Board of Finance and Revenue for a refund of the same, and, upon making proof to the satisfaction of the board that such moneys or property were legally subject to escheat in any other state or territory of the United States and not legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury with-

out escheat, such moneys or property, or the proceeds thereof, shall be paid to such claimant, on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury appropriated for the purpose, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof, or, if moneys so appropriated are inadequate or if no such appropriation has been made, the amount to be refunded, together with interest as aforesaid to the date of the allowance of the refund shall be entered by the Department of Revenue as a credit to the account of the claimant. Such credit, or any part thereof, shall be assignable to any other person, firm, association, or corporation, and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania. The determination by the board or the court, in the event of an appeal as hereinafter provided, whether such moneys or property were legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat, shall be made irrespective of whether said moneys or property were paid voluntarily or pursuant to an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat.

Any claimant for any such refund may appeal, by petition to the court of common pleas of Dauphin County, from an adverse decision of the Board of Finance and Revenue, which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund, and, if so, the amount thereof. If the court find that he is so entitled, it shall report its findings to the board, and order the making of a refund of the proper amount. Thereupon the refund shall be made in the manner hereinbefore provided, with interest as aforesaid. No such appeal shall be ascertained, however, unless the claimant shall file with his petition an affidavit that all the proof which he proposes to offer in support of his claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim.

Any depository, or trustee, or other fiduciary, or any debtor who or which shall, through mistake or compulsion of law, pay the amount of any unclaimed deposit, trust fund, or debt, subject to escheat under the provisions of any act of the General Assembly, to the depositor or beneficiary thereof, or person to whom the debt is owing, after such amount shall have been paid into the State Treasury, either voluntarily or pursuant to an order of court, may make application for and obtain a refund thereof from the State Treasury in the manner and subject to the conditions hereinbefore in this section provided

Section 3 Section 505 of the said act as amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred thirty) and by the act approved the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws two hundred eighty-three) and in part by the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seventy-five) is hereby further amended to read as follows

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or state supervision and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largely held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one fourth of the total amount of the bond required Provided That when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer or with the Federal Reserve Bank of Philadelphia or Pittsburgh subject to such regulations as may be prescribed by the Board of Finance and Revenue or the State Treasurer or both as the case may be of bonds or notes of the United States or bonds or notes which the United States fully guarantees both as to principal and interest bonds of the Delaware River Joint Commissions bonds of the Pennsylvania Turnpike Commission bonds of the General State Authority of Pennsylvania bonds or tax anticipation notes of this Commonwealth or of any municipal subdivision institution district or school district or county thereof to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof Provided That no bonds or other security shall be required of State depositories for State deposits to the extent that such State deposits are insured under the provisions of Section 12 B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market Provided That such agreement is not in conflict with law or any regulation of the Comptroller of the Currency or of the Federal Reserve Board of the United States The said board may fix different rates of interest for active and inactive depositories not in conflict with law or any regulation of the Comptroller of the Currency or of the Federal Reserve Board of the United States and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day on which any change in interest rate shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including

an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and thirteen banks or trust companies in any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located anywhere in the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars Provided however That in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsover to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The secretary shall however not vote on any question coming before the board.

Section 4 Section one thousand one hundred three of the said act is hereby amended to read as follows

Section 1103 Petition to Board of Finance and Revenue for Review Within sixty days after notice by the Department of Revenue or of the Auditor General of the action taken on any petition for a resettlement filed with it the party with whom the settlement was made may by petition request the Board of Finance and Revenue to review such action

Every petition for review filed hereunder shall state specifically the reasons upon which the petitioner relies The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true If the petitioner be a corporation joint-stock association or limited partnership the affidavit must be made by one of the principal officers thereof

The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of the Board of Finance and Revenue to dispose of any such petition within ninety (90) days the action taken upon the petition for resettlement shall be deemed sustained

The Board of Finance and Revenue may sustain the action taken on the petition for resettlement or it may resettle the account upon such basis as it shall deem according to law and equity

Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to all departments involved and to the petitioner

Mr. OWLETT. Mr. President, I move to amend page 14, by inserting between lines 13 and 14 the following new section: S "Section 5 Section 1403 of the said act, as last amended by the act approved the second day of February one thousand nine hundred thirty-seven. (Pamphlet Laws three) is hereby further amended to read as follows: "Section 1403. Protection of Commonwealth's Tax Claims in Case of Bulk Sales or Sales of Real Estate or Auction Sales—(a) Every corporation joint-stock association limited partnership or company which shall sell in bulk fifty-one per centum or more of any stock of goods wares or merchandise of any kind fixtures machinery equipment buildings or real estate shall give the Department of Revenue ten days' notice of the sale prior to the completion of the transfer of such property It shall also be the duty of every corporation joint-stock association limited partnership or company to file all state tax reports with the Department of Revenue to the date of such proposed transfer of property and pay all taxes due the Commonwealth to said date. The seller shall present to the purchaser of such property a certificate from the Department of Revenue showing that all state tax reports have been filed and all state taxes paid to the date of the proposed transfer The failure of the purchaser to require this certificate shall render such purchaser liable to the Commonwealth for the unpaid taxes owing by the seller or transferer to the date of such transfer whether or not at that time such taxes have been settled assessed or determined Provided That nothing contained in this act shall apply to sales made under any order of court or to any sales made by assignees for the benefit of creditors executors administrators receivers or any public officer in his official capacity or by any officer of a court "(b) Every corporation joint-stock association limited partnership or company which shall sell or cause to be sold at auction in one or more sales at such auction a total of 51% or more of any stock of goods wares or merchandise of any kind fixtures machinery equipment buildings or real estate shall give the Department of Revenue ten (10) days' notice of such auction sale prior to the completion of the transfer of such property It shall also be the duty of every corporation joint-stock association limited partnership or company to file all state tax reports with the Department of Revenue to the date of such proposed transfer of property and pay all taxes due the Commonwealth to said date Every such corporation joint-stock association limited partnership or company shall present to the person conducting such action sale a certificate from the Department of Revenue showing that all state tax reports have been filed and all state taxes paid to the date of the proposed sale. The person conducting such sale shall require such certificate before he makes any distribution other than to the Commonwealth of the fund realized at such sale upon any such action."

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows:

Section 5 Section one thousand five hundred three of the said act is hereby amended to read as follows:

Section 1503 Payments (a) All payments out of the several funds in the State Treasury shall be made by check of the Treasury Department signed by the State Treasurer or someone by him duly authorized or bearing a facsimile of the State Treasurer's signature Except as otherwise provided in paragraph (b) of this section

the State Treasurer shall determine the form and method issuing such checks.

(b) All payments out of the several funds in the State Treasury appropriated for public assistance shall be made by check of a form prescribed and furnished by the Treasury Department but filled in as to name of payee and amount by the Department of Public Assistance As soon after the effective date of this act as practicable but not later than sixty (60) days after such date the Department of Public Assistance shall requisition the Treasury Department for supplies of serially numbered blank checks upon which to prepare disbursements for public assistance grants and shall give its receipt to the Treasury Department for such blank checks provided The Department of Public Assistance shall thereupon enter the name and address of the payee and the amount of payment and such other information as shall be necessary after which it shall prepare a requisition on the Auditor General in the total amount of such checks and the Auditor General shall issue his warrant on the Treasury Department in the same total amount Upon receipt of this warrant the Treasury Department shall sign and mail the checks to the payees designated thereon This procedure shall be followed in Harrisburg and at such points outside the City of Harrisburg as the Governor shall determine

(c) All checks shall have imprinted upon their face a statement that they will not be honored unless presented within sixty days from their date but upon the surrender of any such check which shall have become void because of the failure of the holder to present it for payment within sixty days the Treasury Department shall issue a new check to the payee or payees named in such check in the amount thereof.

The Treasury Department may if satisfied that a check has been lost or destroyed and after stopping payment thereof issue a duplicate.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 5, page 14, line 14 by striking out, with boldface brackets, after ["4"] and before the word "Section" the figure: S ["5"] and inserting in lieu thereof the figure: "6".

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 Section one thousand five hundred four of the said act as amended by the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seven hundred seventy-six) is hereby further amended to read as follows

Section 1504. Advances Out of Appropriations. Whenever an appropriation shall have been made to any department, board, or commission of the State government, or to the board of trustees or other agency in charge of any semi-State institution, which is intended for expenses of such a nature as to make it impracticable for such department, board, commission, board of trustees, or agency, to file with the Department of the Auditor General itemized receipts or vouchers prior to the payment of such expenses, upon requisition and warrant in the usual way, such department, board, commission, board of trustees, or other agency, may make requisition upon the Auditor General, from time to time, for such sum or sums of the appropriation as may be necessary to meet such expenses, and the Auditor General shall draw his warrant upon the State Treasurer for such sum or sums, to be paid out of the appropriation. The total amount of requisitions for advancements from any appropriation less the total amount of properly itemized receipts or vouchers filed with the Auditor General accounting for such advancements shall never exceed an amount approved by the Governor nor shall it in any case exceed the amount of the bond of the officer or individual having control of the disbursements from the funds advanced.

Requisitions for advances hereunder to any departmental administrative board or commission, must be approved by the department with which such board or commission is connected prior to the presentation thereof to the Auditor General.

Any department, board, commission, board of trustees, or agency, having received an advance hereunder shall,

(1) Whenever required by the Auditor General, file specifically itemized vouchers, in such form as may be prescribed by him, accounting for all money expended out of such advance;

(2) At the end of the appropriation period, return to the State Treasury all unexpended balances of such advance, before any advance shall be made out of any succeeeding appropriation: Provided, That advances to local county boards of assistance under the Public Assistance Law for reasonable emergency funds may be made before unexpended balances of advancements out of any previous appropriation are actually returned by such boards to the State Treasury.

(3) Deposit all moneys advanced, in the name of the Commonwealth, in a State depository, and certify the name thereof to the State Treasurer.

On the question.

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 6, page 16, line 1 by striking out, with boldface brackets, after the word 'Section" and before the words "Section one" the figure: S ["6"] and inserting in lieu thereof the figure: "7". amend page 17 by inserting between lines 22 and 23 the following new section: S "Section 8 Section 1712 of the said act is hereby amended to read as follows: "Section 1712 Failure of Sheriff Receiver Et Cetera to Make Report of Judicial Sales or Auction Sales Any sheriff receiver trustee assignee master or other officer who shall neglect or refuse to comply with the provisions of section 1402 of this act or any person partnership joint-stock association company or corporation who or which shall neglect or refuse to comply with the provisions of paragraph (b) of section 1403 of this act shall forfeit and pay to the Commonwealth for every such offense neglect or refusal a fine or penalty of two hundred dollars to be recovered by suit in assumpsit before the court of common pleas of Dauphin County ."

Mr. HEYBURN. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section of the bill was read as follows:

Section 7 At the end of article seven of the said act the following new section is hereby added

Section 730 Confidential Information Any information gained by any administrative department board or commission as a result of any returns investigations hearings or verifications required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes or providing for the collection of the same shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

On the question.

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 7, page 17, line 23 by striking out after the figure ["5"] and before the word "At" the following, with boldface brackets: S ["7"] and inserting in lieu thereof the following: "9".

Mr. HEYBURN. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to,

The eighth section of the bill was read as follows:

Section 8 This act shall become effective on the first day of June one thousand nine hundred thirty-nine

Mr. OWLETT. Mr. President, I move to amend section 8, page 18, line 9 by striking out after ["6"] and before the word "This", with boldface brackets, the following: ["8"] and inserting in lieu thereof the following: "10".

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by providing a special procedure for the payment of appropriations for public assistance; extending the time limit within which petitions for review of resettlements may be filed; making certain information pertaining to taxes and bonus confidential except for official purposes; modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports; and further defining or regulating State depositories, the deposits of State moneys and the security required for such deposits.

On the question,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend page 2, line 26 of the title, by inserting after the word "modifying" and before the word "certain" the following: S "and changing", amend page 2, line 28 of the title, by inserting after the word "reports" and before the word "and" the following: S "regulating certain sales by auction".

Mr. HEYBURN. Mr. President, I second the motion?

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RUTH. Mr. President, I have no objection to these amendments, only I think they do not go far enough. On page 15, you will find the treasurer is required to hand a set of blank checks over to people outside of his department, and I do not think this State wants to depart from our custom and hand blank checks out to any person to fill in. I think this bill should go over in its order until that can be corrected.

Mr. OWLETT. Mr. President, if there are going to be more amendments, I suggest that the vote by which the bill passed second reading be reconsidered Monday night. I ask that the amendment be adopted as submitted.

Mr. SIPE. Mr. President, I should like to be in favor of these amendments because they require the State treasurer to hand over blank checks to a department over which he has no control. I would be in favor of that kind of amendment if I followed that practice myself, to hand out blank checks to people, and I assume the Senator from Tioga practices what he preaches and probably he hands out his checks that way.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 945, (House Bill No. 1310), entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county forms used in criminal proceedings before them.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 952, (House Bill No. 1019), entitled:

An Act authorizing cities of the third class Boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

The first, second, third, fourth, fifth, sixth, seventh,

eighth, ninth, and tenth sections of the bill were read as follows and agreed to:

Section 1 All unpaid interest charges and penalties added to any and all delinquent municipal claims imposed or assessed on any parcel or parcels of real estate in the year one thousand nine hundred and thirty-six and all previous years filed by any city Boroughs incorporated towns or townships to recover for the grading guttering macadamizing or otherwise improving the cartways of any public highway for grading curbing recurbing paving repaving constructing or repairing the footways thereof for laying water pipes gas pipes culverts sewers branch sewers or sewer connection therein for assessments for benefits in the opening widening or vacation thereof or in the changing of water-courses or the construction of sewers through private lands or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same may be abated by such city Boroughs incorporated towns or townships upon the payment of the entire face amount of such delinquent claims imposed or assessed on any parcel or parcels of real estate and the costs of filing or of any proceedings therein on or before December thirty-first one thousand nine hundred and thirty-nine

Section 2 This act shall be construed to apply to all such claims whether or not liens for such claims have been filed in the office of the prothonotary of the county or procedings for the collection of such claims have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a judicial sale for the nonpayment of such claim and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at any such sale and where the period of redemption has not expired and the person liable for the payment of such claim shall be made for the payment of all costs incurred in such proceedings except the solicitor's fees

Section 3 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned claims have been imposed or assessed and levied

Section 4 Any taxpayer shall have the right to pay the delinquent claims imposed or assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent claims imposed or assessed and levied against any other parcel or parcels of real estate in the same ward district or other political subdivision

Upon application either in person or in writing by any person liable for the payment of any such delinquent claims the authorities imposing or assessing and levying such claims or the person or persons charged with the collection of such delinquent claims or the person or persons in whose custody the records of such delinquent claims are kept shall furnish to the person liable for the payment of such claims a statement of the delinquent claims owed by him to such political subdivision showing the face amount the interest charges penalties expenses and fees and costs or other charges in detail against such real property as shown by the records in his custody

Section 5 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for nonpayment of such municipal claims before January first one thousand nine hundred and forty and any such sale shall be adjourned or readjourned as often as may be necessary for this purpose If any sale is adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or readjourned sale No such adjournment or readjournment failure to advertise or hold any such sale shall invalidate the lien of any municipal claim due and unpaid but the lien of all such claims shall be fully preserved until February first one thousand nine hundred and forty in order to give the city borough incorporated towns or townships authorities an opportunity to revive any such liens when payment is not made under the provisions of this act Provided however That in every case where a person avails himself of the privileges or benefits of this act the period during which payment of the said delinquent claim is postponed or continued under this act shall not be included in computing and determining whether or not any right of the authority which imposed or assessed such claim has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said authority to file preserve or maintain the lien of the said claim

Section 7 The provisions of this act shall not apply to or in any manner effect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied

Section 8 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby suspended during the time this act shall be in effect

Section 10 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act authorizing cities of the third class boroughs incorporated towns and townships to abate certain interest charges and penalties, added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

On the question,

Will the Senate agree to the title?

Mr. TALLMAN. Mr. President, I move to amend title, page 1, line 1, by striking out after the word "cities" and before the word "HC Borough" the following: "of the third class".

Mr. WALKER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill, as amended, having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 966, (House Bill No. 860), entitled:

An Act to amend section fifteen of and to add section 15.1 15.2 and 15.3 to the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for

taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended further regulating the filing of claims for taxes water rents or rates lighting rates power rates and sewer rates by political subdivisions other than cities of the first class cities of the second class and school districts of the first class removing the right to revice extend or continue the lien of such claims hereafter filed prescribing the time for selling properties for the non-payment of such claims authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 975, as follows:

An Act to amend section one of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 218 1933-34) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor"' by enlarging the provisions thereof to include bonds which may hereafter mature and remain unpaid and bonds which have not matured but which the holders thereof have consented to surrender and increasing the period within which refunding bonds of cities of the first class issued under the provisions of said act may be made to mature

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 218 1933-34) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any county city borough incorporated town township poor district or school district of this Commonwealth shall have issued bonds which have matured and remain unpaid or which may hereafter mature and remain unpaid or whenever any such county city borough incorporated town township poor district or school district of this Commonwealth shall have issued bonds which have not matured but which the holders thereof have consented to surrender it shall be lawful for such county city borough incorporated town township poor district or school district for the purpose of refunding or retiring such outstanding bonds either at or subsequent to maturity or in advance of maturity where the holders of such outstanding bonds have consented to surrender the same to issue new bonds bearing interest not exceeding six per centum (6%) per annum except in the case of bonds whose holders are willing to surrender the same in advance of maturity in which case the new bonds shall bear interest at a rate not exceeding the rate of interest borne by the bonds to be refunded and payable not more than twenty years from the date thereof except in the case of cities of the first class where said bonds shall be payable no more than forty years from the date thereof and to exchange such new bonds for such outstanding bonds Provided however That the face value of the new bonds so authorized to be exchanged shall not exceed the face value of the outstanding bonds to be refunded or retired And provided further That such municipality shall not pay any compensation or commission for obtaining such exchanges in excess of one per centum (1%) of the face value of any new bonds actually exchanged as aforesaid

Section 2 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 985, (House Bill No. 543), entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by further regulating the lien of such taxes removing the right to revive extend or continue such liens extending the provisions of said act to institution district taxes authorizing the return of certain taxes after the time limit for such returns has expired validating preserving and extending liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

The first, second, third and fourth sections of the bill were read as follows and agreed to:

Section 1 Section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

Section 1 Be it enacted et cetera That from and after the passage of this act it shall be the duty of each receiver or collector of any county city borough town township school district poor district or institution district taxes to make a return to the county commissioners of such taxes which are assessed and levied on seated lands

and which are unpaid and for which no liens have been filed not later than the first Monday of May in the year succeeding the year in which the respective taxes were assessed and levied filing therewith a description of said real estate by adjoiners or otherwise sufficient to identify said land with name of the owner or reputed owner against whom such taxes were assessed and levied and the amounts of taxes unpaid and the year during which the said taxes were assessed or levied In addition to penalties under existing laws interest at the rate of six per centum per annum shall be added beginning on the first day of May of the year following the levy and assessment of such tax until such taxes are paid or the seated lands responsible therefor are sold as hereinafter provided

Where the receiver or collector of any such taxes shall have failed to make the return thereof as provided by this section and the time fixed for making such return has expired such receiver or collector of said taxes or any delinquent tax collector or taxing authority in whose hands such taxes now repose for collection is hereby authorized to make return of any of said taxes which are unpaid and for which no lien has been filed within six months from the effective date of this act and the liens of any taxes so returned shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at the time when a county treasurer's sale is held under the provisions of this act in the same manner as if such returns had been made at the time heretofore required by this section Provided however That the return of any tax under this amendment shall not establish revive or reestablish any tax lien against real estate which was transferred to any bona fide purchaser during the time before such return was made or when any such lien was lost

Section 2 Sections four and five of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 940) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statute supplied hereby shall be first liens until sold as hereinafter provided or unless sooner discharged

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof except as hereinafter provided

Section 3 Section seven of said act is hereby amended to read as follows

Section 7 The county treasurer shall advertise the fact of holding such sale once a week for the three successive weeks prior to the holding of such sale in at least two newspapers of general circulation in the county in which such seated land is located if there be two newspapers so published if there be only one then in such newspaper so published in the county

Such advertisement shall set forth

(a) The purpose of such sale

(b) The time of such sale

(c) The place of such sale

(d) The terms of such sale

(e) A list of the seated lands affected and their location and the owner or reputed owner of each

(f) Amount of taxes and interest

In addition to such advertisement at least ten days before any such sale written notice thereof shall be served by the county treasurer by registered mail upon the owner of such land and if the whereabouts of the owner is unknown such notice shall be served by registered mail upon the terre tenant if any Provided however That no such sale shall be prejudiced or defeated and no title to property sold at such sale shall be invalidated by proof that such written notice was not served by the treasurer or that such notice was not received by the owner or terre tenant as herein provided

The cost of such advertisements notices and the service thereof shall be taxed as part of the costs of such proceedings and shall be paid the same as the other costs

Section 4 Section eight of said act as last amended by the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 239) is hereby further amended to read as follows

Section 8 (a) No such sale shall be made before the first Monday of August in the second year succeeding the year in which the respective taxes are assessed and levied but in every case except as herein otherwise provided sale shall be made within a period of five years from the date such taxes have heretofore been entered on the tax return docket or from the date the lien thereof has last been extended or continued by filing the same in the office of the prothonotary or from the date such taxes shall hereafter be entered on said docket except in cases where such sale has been or shall hereafter be adjourned or readjourned beyond such period of time or prohibited during such period of time under the authority of this or any other act of Assembly In all cases of adjournment or readjournment of any such sale and in all cases where the lien of any tax would under the provisions of this act expire or be lost prior to the sale of such property under the provisions of this act such liens are hereby revived preserved and extended and shall remain in full force and effect until the property against which such taxes are a lien is sold under the provisions of this act or the lien otherwise discharged

(b) For all taxes assessed and levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law the sale shall be held on or before February first one thousand nine hundred and forty and for the taxes assessed and levied for the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two the sale shall be held on or before May first one thousand nine hundred and forty and for taxes assessed and levied for the years one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four the sale shall be held on or before the first Monday of August one thousand nine hundred and forty

(c) No property shall be sold under the provisions of this act at the times herein prescribed when the delinquent taxes assessed and levied against such property are being paid upon the installment plan authorized and provided by any law abating penalties interest and costs or any of them imposed upon unpaid delinquent taxes or when any payment shall have been made under such plan and even though a default shall have been made in the required payments if the taxpayer has an opportunity under the said act to continue the installment payments at the subsequent installment period and secure the remaining benefits of said act In all such cases the liens of such taxes are hereby fully preserved and extended for the entire installment period if there is no complete default under the terms of the said act and if there shall be such a default the said liens are hereby continued preserved and extended until sold under the provisions of this act Provided however That if the time for selling such property or properties under the other provisions of this act shall have expired at the time of such default said property or properties shall be sold within six months after the date of such default

(d) The county treasurer when requested by any taxing authority who deems it to their advantage shall hold a sale of the property or properties of one or more taxables for the unpaid taxes assessed and levied against such property separate and independent of any general tax sale of properties as provided by this act The purpose

of this clause is to provide a method whereby the property or properties of one or more delinquent taxables may be sold by the treasurer within the time limits prescribed by this act without the necessity of selling other properties against which taxes for the same year have been assessed and levied and returned as herein provided and which are unpaid

(e) After the date has been fixed for any such sale it may be adjourned or readjourned from time to time and in such case the advertisement and notice of a sale as required by this act may be given preceding the date of any adjourned or readjourned sale in which case no prior advertisement or notice shall be required and in case the sales for different years' taxes be held on the same date the advertisements and notices may be consolidated Provided further That if any such sale be adjourned or readjourned after advertisement and notice by public announcement at such sale adjournment or readjournment no additional advertisement or notice shall be necessary for such adjourned or readjourned sale Provided further That no such adjournment or readjournment shall be for a longer period than thirty days unless the county treasurer with the consent in writing of the county commissioners and the approval of the judge of the court of the county in which the sale is pending shall declare at the time fixed for a sale of any adjournment or readjournments thereof that because of widespread economic and business depression and usual unemployment incident thereto a sale would be inadvisable in which case any such sale may be adjourned or readjourned at any one time and from time to time for a longer period but in no case beyond the expiration of the period fixed for such sale by this amendment or beyond the date of the actual holding of the first subsequent sale for any other year's taxes provided that when after advertisement of a sale it has been determined as aforesaid to adjourn any sale for taxes the county treasurer shall publish at the expense of the county in at least two newspapers of general circulation in the county if so many be published in the county a brief notice or advertisement announcing said adjournment and the actual new date to which such sale for taxes has been adjourned

(f) For each tract of land so disposed of the county treasurer shall be entitled to the following fees which shall be taxed as part of the costs of such proceeding and shall be paid the same as other costs

Advertising each tract including printer's charge the actual cost

Selling each tract or part thereof	$ .25
Writing and signing each deed	1.50
Acknowledging every deed	.50
Writing and filing every bond to acknowledge the purchase money	.25

The county shall in the first instance be liable for the cost of advertising treasurers' sales and the fees collected for such advertising shall be paid into the county treasury for the use of the county

For receiving and paying over the purchase money or taxes collected by him the county treasurer shall be entitled to a commission of two per centum (2%) thereof such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof

The fifth section of the bill was read as follows:

Section 5 Section nine of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 661) and by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible Every such sale shall discharge the lien of every obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable including ground rents except no such sale shall discharge the lien of any municipal claim or tax remaining unpaid or mortgage which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within two years after such sale if such real estate has been purchased within two years after such sale by the payment to the county treasurers of the full amount which the purchaser paid to said treasurer for taxes interest and costs and fifteen per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated lands were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I move to amend, Page 14, line 10, by striking out after the word "liable" the following: "including ground rents;" amend, page 14, line 15, by inserting before the word "municipal" the words: "ground rent;" amend, page 14, line 19, by adding after the word "mortgages" and before the word "Any" the following: "ground rents municipal claims and/or other taxes"

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth, seventh, eighth, ninth and tenth sections of the bill were read as follows and agreed to:

Section 6 Section ten of said act is hereby amended to read as follows

Section 10 It shall be the duty of the purchaser or purchasers at this treasurer's sale as soon as the property is struck down to pay the amount of the purchase money or such part thereof as may be necessary to pay all taxes except such taxes as have heretofore been filed as liens in the office of the prothonotary and all interest and costs and also one dollar and fifty cents for the use of the prothonotary for entering the report of the treasurer and acknowledgment of the treasurer's deed as hereinafter mentioned and in case said amount is not forthwith paid

after the property is struck down the sale may be avoided and the property immediately put up again by the said treasurer

Any such property for which an amount sufficient to pay such taxes interest and the costs is not bid shall be purchased by the county commissioners in which event the requirements of the preceding paragraph of this section shall not apply

Section 7 Section twelve of said act is hereby amended to read as follows

Section 12 It shall be the duty of the county treasurer at the first term of a court of common pleas of the proper county succeeding any such sale to make a report and return wherein he shall set forth a brief description of the land or property sold the name of the person (where known) in which the same is assessed the amount of tax and the year for which the same is assessed the time when and the newspapers in which the advertisement for sale was made with a copy of said advertisement the time of sale the name of the purchaser and the price for which each respective property was sold Upon the presentation of said report or return if it shall appear to said court that such sale has been regularly conducted under the provisions of this act the said report and the sale so made shall be confirmed nisi

The county treasurer shall at the expense of the county publish a general notice once in a newspaper of general circulation throughout the county stating that the report of the county treasurer with respect to any such sale or sales for delinquent taxes has been presented to the court giving the date thereof and that exceptions thereto may be filed within sixty days after the date of return otherwise the report will be confirmed absolutely

In case no objections or exceptions are filed to any such sale within sixty days after the date of return a decree of absolute confirmation shall be entered as of course by the prothonotary Any objections or exceptions to such a sale may raise the legality of the taxes for nonpayment of which the real estate was sold or the return thereof or the validity of the sale for the reason that the tax was actually paid or question the regularity or legality of the proceedings of the treasurer in any respect In case any objections or exceptions are filed they shall be disposed of according to the practice of the court When the same are overruled or set aside a decree of absolute confirmation shall be entered by the court If such objections or exceptions are sustained and the court deems the defect not amendable it shall by its order or decree invalidate the sale From the decision of the court of common pleas any party interested may appeal to the Supreme or Superior Court as in other cases If no objections or exceptions are filed as herein provided or where objections or exceptions are finally overruled and the sale confirmed absolutely the validity of the assessment of the tax and its return for nonpayment and the validity of the proceedings of the treasurer with respect to such sale shall not thereafter be inquired into judicially in equity or by civil proceedings by the person or persons in whose name such property was sold his or her or their heirs or his her or their grantees or assigns subsequent to the date of the assessment of the taxes for which such sale was made and such sale after the period of redemption shall be terminated shall be deemed to pass a good and valid title to the purchaser free from any liens or encumbrances whatsoever except such liens as are hereinbefore specifically saved and in all respects as good and effective as if acquired by a sheriff's deed provided the purchaser has filed the bond for surplus moneys as hereinafter provided

Section 8 Section sixteen of said act as amended by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate During the redemption period following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption of lands heretofore purchased by the county commissioners shall remain in the real owner of such lands or other persons interested for five years after such sale to the county commissioners and of all lands hereafter purchased by the county commissioners such right shall remain for two years after such sale and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

Section 9 Section seventeen of said act is hereby amended to read as follows.

Section 17 If the owner of any real property his heirs or legal representatives or lien creditor his heirs assigns or legal representatives or other person interested in property so purchased by the county commissioners shall not redeem the same within such period the county commissioners shall within six months after the expiration of such period sell such lands at public sale or private sale in the manner provided by law for the best price or prices obtainable Any such lands now owned by the county for which the redemption period has expired shall be sold as herein provided within six months after the effective date of this act After any such sale or in the case of any redemption the property shall be charged by the assessor in the name of the last purchaser or redeemer and such lands shall again be liable for taxes as other lands

The county commissioners before making sale of real property purchased by them at tax sales shall give at least thirty days' notice once a week for three consecutive weeks of such sales particularly designating the tracts that are to be sold This notice shall be inserted in two newspapers published in the county if so many are published in said county if there be only one then in such newspaper published in the county

Such advertisement shall set forth

(a) The purpose of such sale
(b) The time of such sale
(c) The place of such sale
(d) The terms of such sale
(e) A list of seated lands affected and their location and the owner or reputed owner of each

After such sale the county commissioners shall make and deliver a deed being acknowledged before an officer authorized to acknowledge deeds Such deed shall pass such title as the county commissioners have a right to convey

Section 10 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the County Commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same

under certain circumstances" by further regulating the lien of such taxes removing the right to revive extend or continue such liens extending the provisions of said act to institution district taxes authorizing the return of certain taxes after the time limit for such returns has expired validating preserving and extending liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon other liens changing the period of redemption on properties purchased at such sales by he county and requiring the county commissioners to sell such properties within a certain period of time

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1000, (House Bill No. 650), entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by providing for the election of county supervisors of agriculture and homemaking the election of principals instructors and lecturers for the Public Service Institute and by further providing for the reimbursement by the Commonwealth of districts of the second third and fourth classes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1004 as follows:

An Act to further amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by extending its provisions to sentences for any crime

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by section one of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 975) is hereby further amended to read as follows

Section 6 Whenever any person convicted in any court of this Commonwealth of any crime shall be sentenced to imprisonment therefor in any penitentiary or other institution of this State or in any county or municipal institution the court instead of pronouncing upon such convict a definite or fixed term of imprisonment shall pronounce upon such convict a sentence of imprisonment for an indefinite term Stating in such sentence the minimum and maximum limits thereof and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penatly for such offense and the minimum limit shall never exceed one-half of the maximum sentence prescribed by any court

Provided That nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer or other court of record having jurisdiction of the several judicial districts of the Commonwealth after due inquiry release on parole any convict confined in the county jail house of correction or workhouse of their respective districts as provided in section one of an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-nine) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" its amendments and supplements And provided further That no person sentenced for an indeterminate term shall be entitled to any benefits under the act entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons penitentiaries workhouses and county jails in this State and regulations governing the same" approved the eleventh day of May Anno Domini one thousand nine hundred and one

And provided further That before any parole shall be granted pursuant to the terms hereof notice of an intention so to do shall be given at least ten days prior thereto by the board of prison inspectors to the judge of the county who imposed the sentence if he be still in office but otherwise to the judge or judges of the court of oyer and terminer or the court of quarter sessions then in session or if there be no current term then to the next ensuing term thereof and having jurisdiction of cases of the like character Similar notice shall also be given to the district attorney then in office in said county

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1007 as follows:

A Joint Resolution proposing an amendment to section five article fourteen of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Section 5 The compensation of county officers shall be regulated by law and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive into the treasury of the county or State as may be directed by law In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1009 as follows:

An Act to amend the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same" by extending the provisions of said act to certain towns and townships defining "person" "distress sale" and "closing out sale" requiring the filing of additional information as to inventories and requiring the posting thereof limiting the license to such goods as appear in the inventory providing the effect of commingling goods and providing for the revocation of licenses hearings thereon and appeals therefrom

The General Assembly of the Commonwealth of Pennsylvania hereby enacts a follows

Section 1 Sections one two three and four of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2821 entitled "An act to regulate the sale and advertising for sale of goods wares and merchandising purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July one thousand nine hundred and thirty-seven it shall be unlawful for any person in the cities of this Commonwealth and in boroughs towns or townships having a population of more than two thousand five hundred inhabitants to advertise or hold out by any means that any sale of goods wares or merchandise is a distress sale or a closing out sale unless a license is first obtained to conduct such sale from the treasurer of the city or borough town or township in which it is to be held

The word "person" as used in this statute shall include natural persons as well as all forms of business associations whatsoever including but not limited to partnerships limited partnerships joint stock companies and corporations

The term "distress sale" as used in this statute shall include all sales where goods wares or merchandise offered to the public are advertised represented or held out or caused to be advertised represented or held out as being sold at prices lower than those which would be asked for goods wares and merchandise of that type quality and character if sold in the regular course of business or at a sale in the regular course of business because of the existence of special circumstances set forth or indicated in the said advertising representation or holding out not in the regular course of business and shall include but not be limited to sales designated as "insurance" "bankrupt" "emergency" "insolvent" "assignees'" "executors'" "mortgage" "administrators'" "receivers'" "adjustment" "creditors'" "reorganization" "alteration" and revision sales as well as the sale of goods wares or merchandise advertised represented or held out or caused to be advertised represented or held out as goods wares or merchandise damaged by fire smoke or water or goods wares and merchandise forming part of the same stock with those damaged by fire smoke or water

The term "closing out sale" as used in this statute shall include all sales where the goods wares and merchandise are advertised represented or held out or caused to be advertised represented or held out as being sold at prices lower than those which would be asked for goods wares and merchandise of that type quality and character if sold in the regular course of business or at a sale in the regular course of business because of the fact that they will be sold in anticipation of or in connection with the termination closing liquidation wind-up discontinuance abandonment or removal of the business in question in whole or in part and shall include but not be limited to sales designated as "going out of busines" "forced out of business" "loss of lease" "close out" and "removal sales"

Section 2 Upon application of such license the applicant shall make a full disclosure under oath of the following information The true name of the owner of the goods to be offered for sale the name of the operator of the sale if a person other than the true owner a full and complete inventory of the quantity kind and character of the goods to be offered for sale which shall be prepared in the following manner First a listing of all goods wares and merchandise which are available for sale at the time of the application for the license second a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license third a listing of all goods received in stock within the fifteen days immediately preceding the application for the license fourth a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application or for other reasonable cause the said treasurer may refuse the license

Section 3 It shall be the duty of each such licensee to post a copy of the said application including a copy of the complete inventory as filed with the treasurer in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 Any person conducting or being responsible for any sale as set forth in section one hereof without having a license or any person making or being responsible for any misrepresentation during the course of the sale in connection with the goods so offered for sale or sold or who shall commingle goods shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than two hundred dollars ($200) or to imprisonment for a term of not exceeding sixty days or both The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 2 The said act is hereby amended by adding thereto sections eight nine and ten to read as follows

Section 8 The license shall be valid only for the sale of the inventoried goods wares and merchandise Commingling of additional goods wares or merchandise with those inventoried shall cause the inventoried merchandise to lose identity as the property for which the license was issued and the said license shall thereupon be void and a nullity Where the inventoried stock is offered for sale on the same premises with non-inventoried stock by or on behalf of the licensee the same shall be deemed to be commingled provided however that where a business has more than one department and the license has been obtained for a sale only as to some but not all of the departments merchandise sold in the departments for which the license does not apply shall not be considered in determining whether or not commingling has taken place

Section 9 In no event shall a license be issued where it appears upon application that the person seeking a license has secured or shall secure goods wares or mer-

chandise prior to the application for a license for the purpose of commingling with the stock regularly sold in that business and any unusual purchase or addition to the stock prior to application for license shall be presumptive evidence that it was made for the purpose of commingling at such sale

Section 10 The said treasurer may of his own motion and shall upon the written request of any person showing reasonable cause therefor cite such licensee to appear before him or his duly appointed agent not less than three nor more than five days from the date of sending such licensee by registered mail a notice addressed to him at the address set forth in the application as the place of sale to show cause why such license should not be revoked The reasons for revoking the license shall be stated in the said notice At the hearing the licensee may appear in person or by counsel may cross-examine the witnesses appearing in support of revocation and may present evidence which shall likewise be subject to cross-examination The hearing shall be stenographically recorded Upon such hearing if satisfied that any violation of this act has occurred or for other sufficient cause the treasurer shall immediately revoke the license notifying the licensee thereof by rgistered letter addressed to him at the premises set forth in the application In all such cases the treasurer shall file of record at leat a brief statement in the form of an opinion of the reasons for the ruling or order In the event the licensee whose license was revoked shall feel aggrieved he shall have the right to appeal to the court of common pleas of the county in which the license was granted within ten days from the date of revocation Such appeal shall be upon petition of the licensee who shall serve a copy thereof upon the treasurer The court of common pleas shall hear the application de novo at such time as it shall fix of which notice shall be given to the said treasurer The court shall either sustain the revocation by the treasurer or set it aside Any appeal shall not act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise

Section 3 This act shall become effective immediately upon final enactment

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1017, (House Bill No. 724), entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth conferring powers and imposing duties on the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1061, as follows:

An Act to amend section eight of the act approved the thirty-first day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" increasing the power of the secretary of Internal Affairs and adding a penalty for violating the provisions thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the thirty-first day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" is hereby amended to read as follows

Section 8 The Department of Internal Affairs shall from time to time inspect and investigate the sinking funds of the several municipalities which have any outstanding obligations and all records books and papers relating thereto and may require the corporate authorities of such municipalities to furnish statements showing the condition of such sinking funds and the amount of outstanding obligations together with their rate of interest and date of maturity

Whenever upon investigation the department shall ascertain that any municipality which has any outstanding obligations has failed or neglected to establish a sinking fund to meet interest and principal payments as the same become due or has failed to provide sufficient funds for the sinking fund to meet such payments the department shall have power to make an order requiring such municipality to establish forthwith a sinking fund and to provide sufficient revenues therefor or to provide sufficient revenues for any established fund

Any officer of any municipality who shall refuse or neglect to obey any order of the Department of Internal Affairs made under the authority of this section or who shall refuse to furnish any information required by said department or refuse agents of the said department the right of access to any records books and papers relating to the sinking fund of the municipality shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and to undergo imprisonment for one year The Secretary of said department shall also have the authority to institute proceedings to remove from office a municipal officer found guilty of a misdemeanor under this section

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 1100, entitled:

An Act relating to the employment of females as bar tenders in hotels, taverns, saloons, eating houses, and clubs, or other places where intoxicating liquors are sold; and providing penalties.

Which was committed to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. CROWE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Highways, reported as committed, Senate Bill No. 1097, entitled:

An Act to amend sections one and two of the act, approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by extending the provisions thereof to vending equipment used in distributing such articles.

Mr. DEITRICK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DEITRICK, from the Comittee on Welfare, Public Assistance and Pensions, reported as amended, Senate Bill No. 641, entitled:

An Act providing for the return of escaped prisoners and convicts after apprehension, to the penitentiary or state institution from which they escape, by the agents of the Department of Justice or the Pennsylvania Motor Police, and requiring the penitentiary or state institution to defray the expenses thereof.

He also, from the Committee on Public Health, reported as committed, Senate Bill No. 1093, entitled:

An Act to amend subsection (f) of section four hundred forty-eight, and sections two thousand one hundred two, and two thousand one hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers; and of the several administrative departments, boards commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commssions shall be determined", as amended, by establishing a Healing Arts Advisory Board; by providing for medical care to indigent persons; and defining the powers and duties of the Healing Arts Advisory Board.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1002, entitled:

An Act to further amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board, by redefining "Assistance" to exclude medical care.

Mr. EALY. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, from the Committee on Appropriations, reported as committed, Senate Bill No. 219, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1096, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission, in the acquisition of additional lands.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 598, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission to acquire property covering the historic site of French Fort LeBoeuf; providing for the restoration thereof, and for the powers and duties of the commission in reference thereto; and authorizing the appointment of a local advisory committee.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1001, entitled:

An Act making an allocation to the Department of Health for medical care to the indigent out of the moneys appropriated to the Department of Public Assistance by the Act approved the day of , 1939, Appropriations Acts No. , entitled, "An act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on May thirty-first, one thousand nine hundred and thirty-nine".

Mr. OWLETT. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1099, entitled:

An Act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on certain State and local officers and employes, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment offices; and requiring payments to the Commonwealth on account of certain work performed.

He also, from the Committee on Labor and Industry, re-reported as amended, Senate Bill No. 963, (House Bill No. 1401), entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of

Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties.

He also, from the Committee on Labor and Industry, re-reported as amended, Senate Bill No. 958, (House Bill No. 1031), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred thirty-seven (P. L. 2714), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736) entitled, as amended, 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a system and schedule of compensation; providing procedure for the determinaiton of liability and compensation thereunder and prescribing penalties,' as amended, and reenacted; providing for the inclusion of occupational diseases within the scope thereof and providing definitions, provisions and procedure related to such diseases and making an appropriation".

He also, from the Committee on Labor and Industry, re-reported as amended, Senate Bill No. 957, (House Bill No. 1030), entitled:

An Act to further reenact and amend the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder and prescribing penalties", changing maximum and minimum rates periods total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; increasing powers and duties of the board and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases; and generally amending, clarifying and changing the provisions of said act.

He also, from the Committee on Labor and Industry, re-reported as committed, Senate Bill No. 962, (House Bill No. 1302), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder and prescribing penalties", as reenacted and amended to exempt domestic servants and agricultural workers from the provisions thereof except in certain cases.

He also, from the Committee on Labor and Industry, re-reported as committed, Senate Bill No. 961, (House Bill No. 1301), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder and prescribing penalties", as reenacted and amended; providing for the payment of compensation to volunteer firemen or their dependents.

PROCEED TO CONSIDERATION OF HOUSE BILL ON THIRD READING

The PRESIDENT. The Senate will now proceed to the third reading and consideration of all House Bills on the Calendar.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 881, (House Bill No. 780), entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The years and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. JAMES. Mr. President, I ask unanimous consent that Senate Bill No. 882, (House Bill No. 781), on third reading, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 887, (House Bill No. 887), entitled:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by providing for the paymentof all fees to local registrars of vital statistics by the Comonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 937, (House Bill No. 690), entitled:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on parolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof providing for cooperation with Federal local or private agencies in connection with free public employment offices making furtner provision for reciprocal arrangements and compacts with agencies of other states and the Federal Government further defining ineligibility for compensation authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account and terminating certain compensation rights hereunder

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 941, (House Bill No. 1129), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 943, (House Bill No. 1232), entitled:

An Act regulating the appointment promotion suspension reduction and reinstatement of employes (except superintendents of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons in cities of the second class defining the powers and duties of civil service commissions for such purpose in said cities and repealing inconsistent legislation.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 967, (House Bill No. 1022), entitled:

An Act to amend further section five of an act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public uitility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement withiout a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriation money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may in the discretion of the Secretary of Highways construct reconstruct resurface or maintain additional width.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 968, (House Bill No. 1026), entitled:

An Act to provide that under certain conditions roads highways bridges and other highway structures my be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the afirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 986, (House Bill No. 545), entitled:

An Act to amend section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of pre-

scribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1012, (House Bll No. 41), entitled:

An Act to further amend section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by providing for the lighting of bridges taken over by the Comomnwealth at the expense of the Commonwealth.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1014, (House Bill No. 382), entitled:

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the power and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in chargeof veteran affairs and prescribing the qualifications of deputy adjutants general.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward,
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro Tem.
Eroe	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1015, (House Bill No. 662), entitled:

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Miltary Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Owlett,	Stiefel,
Chapman,	Frey,	Pierson,	Tallman,
Coleman,	Geltz,	Ruth,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Dando,	Homsher,	Shapiro,	Wolfenden,
Deitrick,	James,	Sipe,	Woodward.
Ealy,	Letzler,	Snowden,	Gelder,
Edmonds,	Mallery,	Stevenson,	Pres. Pro. Tem.
Eroe,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1019, (House Bill No. 1203), on third reading, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county, or department, in connection with, or incidental to, any grand jury investigation or trial of State officers, or former State officers, and others.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 866, (House Bill No. 848), on third reading postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 886, (House Bill No. 843), on third reading, entitled:

An Act to amend section one of the act, approved the eleventh day of May, one thousand eight hundred ninety-three (P. L. 42), entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania, to make allowances or pensions to employes for faithful and long continued service, who in such service have become old infirm or disabled," by extending its provisions to include directors and officers of such corporations

be recommitted to the Committee on Insurance for the purpose of further study.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEES

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth, which is a correction of an error made in a previous appointment.

APPOINTMENT AS MEMBER OF THE STATE BOARD OF PUBLIC ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate James J. Knoud, of Philadelphia, for appointment as a member of the State Board of Public Assistance, to serve until the third Tuesday of January 1940 and until his successor shall have been appointed and qualified. Mr. Knoud was recently nominated and confirmed under the name of James J. Know, due to a clerical error, and his commission has, therefore, been revoked, thereby creating a vacancy in the membership of this Board.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 18, 1939, by His Excellency, the Governor of the Commonwealth, together with the nomination just reported from Committee.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BERKS COUNTY

H. W. Laub, Reading.

CAMBRIA COUNTY

Mrs. Virginia C. Ricche, Gallitzin.

ERIE COUNTY

Warland F. Boyd, Corry.

LACKAWANNA COUNTY

Bert L. Liles, Scranton.

LEHIGH COUNTY

Lewis M. Hall, Allentown.

LUZERNE COUNTY

Miss Gladys V. Him, Wilkes-Barre.

SCHUYLKILL COUNTY

B. V. O'Hare, Shenandoah.
Clarence J. Tabor, Shenandoah.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Nell M. Cusick, 235 Fourth Avenue, Pittsburgh, Allegheny County, for reappointment as a Notary Public, for the term of four years to compute from May 22, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. EALY

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Eroe,	Letzler,	Snowden,
Chapman,	Farrell,	Mallery,	Stevenson,
Coleman,	Frey,	Miller,	Stiefel,
Crowe,	Geltz,	Owlett,	Tallman,
Dando,	Gilson,	Pierson,	Thomas,
Deitrick,	Haluska,	Ruth,	Walker,
DiSilvestro,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Shapiro,	Woodward,
Edmonds,	James,	Sipe,	Gelder, Pres. Pro. Tem.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I move that the Executive Session do now rise.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. EALY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 146, entitled:

An Act authorizing banks, trust companies or other banking institutions to pay to the surviving spouse, next of kin or creditors of a deceased depositor under certain circumstances when such checking account, savings account or certificate of deposit does not exceed the sum of one hundred fifty dollars ($150.00).

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 219, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 307, (House Bill No. 408, entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred seven (P. L. 527), entitled, "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liabilty for damages."

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 535, entitled:

An Act to amend the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 430), entitled "An act providing penalties for trespassing on grounds of State institutions and for refusing to leave such grounds after notice;" providing additional powers and duties for watchmen and guards employed by State institutions for the protection of the Commonwealth's property, and the arrest of offenders.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 542, entitled:

An Act to amend section two thousand three hundred sixteen, and section two thousand three hundred eighteen as amended, of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and offices thereof, including the boards of trustees of State Normal Schools, or Teachers colleges; abolishing, creating, reorganizing or authorizing the reoranization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other

executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; and of all deputies and other assistants and employes in certain departments, boards, and commissions; and precribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," giving the Department of Welfare regulatory powers over private institutions and agencies which receive State-aid, and providing for the management, under the provisions of said act, of the State Hospital for the Insane of Philadelphia County, by the Board of Trustees of the Philadelphia State Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 595, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government; and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts of common pleas and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 598, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission to acquire property covering the historic site of French Fort LeBoeuf; providing for the restoration thereof, and for the powers and duties of the commission in reference thereto; and authorizing the appointment of a local advisory committee.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 641, entitled:

An Act providing for the return of escaped prisoners and convicts after apprehension, to the penitentiary or State institution from which they escape, by the agents of the Department of Justice or the Pennsylvania Motor Police, and requiring the penitentiary or State institution to defray the expenses thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 707, (House Bill No. 95), entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff free and clear of tax and municipal claims for a sum less than the total amount of delinquent tax and municipal claims under certain conditions and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 784, (House Bill No. 1131), entitled:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General by increasing the compensation of the members of said board by making further provision with regard to the procedure of said board and the disposition by it and payment of costs of proceedings before it

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 813, entitled:

An Act conferring jurisdiction upon the Courts of the Commonwealth of Pennsylvania over support orders made by it.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 834, (House Bill No. 721), entitled:

An Act to amend the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-two) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" by deferring the operation of the act for a further period of time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 856, entitled:

An Act providing a method whereby boroughs may collect over a period of years from owners of property benefited thereby assessments for permanent paving and improvement of streets, alleys, sidewalks or other highways or parts thereof; prescribing the effect of filing municipal claims for such assessments, the interest to be charged thereon, the length of time the lien thereof shall run, and the procedure for collection upon default in such payments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 861, (House Bill No. 601), entitled:

An Act to amend clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended changing the minimum salaries of certain teachers in junior high schools of third class districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 869, (House Bill No. 867), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administratior of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board" defining responsibility for burial providing for separate administration by county boards of assistance of certain types of public assistance, designated "general assistance and pensions;" regulating the employment and dismissal of employes therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of subcommittees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit agencies; changing the definition of dependent children the maximum property allowances for pensions to blind persons and the general qualifications for assistance and changing and adding to penal provisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 997, entitled:

An Act to amend sections two hundred and twenty and two hundred and eighty-five of the act, approved the secon day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth together with the rights of ingress and egress to and from such waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1001, entitled:

An Act making an allocation to the Department of Health for medical care to the indigent out of the moneys appropriated to the Department of Public Assistance by the Act approved the day of , 1939, Appropriation Acts No. , entitled, "An act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on May thirty-first, one thousand nine hundred and thirty-nine."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1002, entitled:

An Act to further amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistanec; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Board of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by redefining "Assistance" to exclude medical care.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1003, entitled:

An Act to amend subsection (f) of section four hundred forty-eight, and sections two thousand one hundred two, and two thousand one hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers; and of the several administrative departments, boards commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compenation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Healing Arts Advisory Board; by pro-

viding for medical care to indigent persons; and defining the powers and duties of the Healing Arts Advisory Board.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1013, (House Bill No. 138), entitled:

An Act to further amend section two hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by requiring certain qualifications for the Adjutant General and providing for the designation of a Deputy Adjutant General as acting Adjutant General under certain circumstances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1034, (House Bill No. 791), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing certain restrictions as to dams and other projects

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1035, (House Bill No. 878), entitled:

An Act to further amend paragraph four of section one and to add new sections two and three to the act, approved the fifteenth day of June, one thousand nine hundred eleven (Pamphlet Laws, nine hundred seventy-five), entitled "An act providing for the registration of bottles, boxes, siphons, siphon-heads, tins, kegs, cans, soda-fountains, cylinders of carbonic acid gas, or other containers; and forbidding the refilling of, or dealing or trafficking in, such registered bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, by persons other than the owners thereof, without the written consent of the owner, and imposing a penalty therefor; providing for the issuing of process in the nature of search warrant; providing what shall be prima facie proof thereof; and providing that the delivery of said bottles, boxes, siphons, siphon-heads. tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, shall not constitute a sale thereof;" by providing for imprisonment for violations; by providing injunctive relief, and including a severability clause.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1043, (House Bill No. 22), entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1045, (House Bill No. 255), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1046, (House Bill No. 258), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1047, (House Bill No. 433), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1048, (House Bill No. 500), entitled:

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred and thirteen (P. L. 443), entitled "An act for the prevention of blindness by requiring the reporting of cases of ophtalmia neonatorum (inflamation of the eyes of infants) by physicians, mid-wives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof", by imposing duties on public health nurses, social workers,

county medical directors and physicians and increasing penalties for violation of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1051, (House Bill No. 976), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1053, (House Bill No. 1083), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1056, (House Bill No. 1198), entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid asie for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1070, (House Bill No. 607), entitled:

An Act prohibiting in any city of the first, second and second A class the employment of or the acceptence of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1079, (House Bill No. 1356), entitled:

An Act to amend clause (a) of section six hundred and nine of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended permitting hotel restaurant and club licensees to own land but not the buildings thereon where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1083, entitled:

An Act to further amend sections one and four of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 1017), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto", by extending the provisions thereof to include grand jury investigations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1094, entitled:

An Act to further amend section one of the act, approved the ninth day of July, one thousand nine hundred and nineteen (P. L. 794), entitled "An act providing that estates in buildings, grounds, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, in certain instances, the date when such tax shall become due", by extending the exemption to include such estates passing through the exercise by any person of a power of appointment with respect thereto, whether the donor of such power died before or after the date of the said act, and to estates in any moneys and funds given in connection with any of the estates described.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1096, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission, in the acquisition of additional lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1097, entitled:

An Act to amend sections one and two of the act, approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name", by extending the provisions thereof to vending equipment used in distributing such articles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1099, entitled:

An Act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on certain State and local officers and employers, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment offices; and requiring payments to the Commonwealth on account of certain work performed.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Friday, May 19, 1939, at 12:01 o'clock a. m., E. S. T.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:14 o'clock, p. m. until Friday, May 19, 1939, at 12:01 o'clock a. m., E. S. T.

HOUSE OF REPRESENTATIVES

THURSDAY, May 18, 1939

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

Reverend Harold C. Eaton, Columbia Avenue Methodist Episcopal Church, Philadelphia, offered the following prayer.

Let us unite in prayer. Our Almighty God, our Heavenly Father, we give Thee our hearty thanks for the blessings that attend our gathering this day. We praise Thee for the outstretched hand of Thy providence that guards the security of our nation. We ask that in this hour Thou wilt be with us and minister Thy spirit to our lack of knowledge and judgment. Quicken within us a holy disposition to serve the true needs of those whom we represent. Save us, O God of Justice, from that form of selfishness that secures its own immediate gain to the sacrifice of the ultimate profits of our State and nation. Bless every institution that sponsors verity, integrity and brotherly kindness in our Commonwealth and in this hour attend us, grant us Thy peace, Thy power and Thy blessing in the name of Christ, the Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. TIEMANN, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 168 (HOUSE BILL No. 1542)

An Act to amend paragraph six of section two and paragraph four of section five of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 551) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

Referred to the Committee on Ways and Means.

SENATE BILL No. 416 (HOUSE BILL No. 1543)

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provisions for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period.

Referred to the Committee on Cities—First Class.

SENATE BILL No. 424 (HOUSE BILL No. 1544)

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes."

Referred to the Committee on Public Utilities.

SENATE BILL No. 584 (HOUSE BILL No. 1545)

An Act to repeal section two of the act approved the first day of April one thousand seven hundred and ninety-seven (3 Smith's Laws 294) entitled "An act to regulate the manner of selling loaf bread and to repeal certain existing laws respecting the same."

Referred to the Committee on Judiciary General.

SENATE BILL No. 855 (HOUSE BILL No. 1546)

An Act to further amend subsection A of section three hundred and two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of personnel where no person on eligible list has resided in a district the required length of time.

Referred to the Committee on Liquor Control.

SENATE BILL No. 311 (HOUSE BILL No. 1547)

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring funding and refunding of indebtedness temporary and permanent the issuing of bonds by school districts the retirement of indebtedness and the borrowing in anticipation of current revenues.

Referred to the Committee on Education.

SENATE BILL No. 929 (HOUSE BILL No. 1548)

An Act to further amend sections one thousand two hundred one, one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local; or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, substitutes and temporary employes and further regulating the employment, dismissal, suspension, demotion and retirement of such employes.

Referred to the Committee on Education.

SENATE BILL No. 930 (HOUSE BILL No. 1549)

An Act to further amend section four hundred of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further extending the authority of the board of school directors in the making and enforcement of rules and regulations for the management of school affairs.

Referred to the Committee on Education.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 356, 370, 868, 895, AND 947

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the House of Rerpesentatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 356, Printer's No. 617, entitled, "An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor."

House Bill No. 370, Printer's No. 107, entitled, "An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled 'An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor' to change the duration of the period within which certain bequests or devises are void."

House Bill No. 868, Printer's No. 254, entitled, "An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2778) entitled 'An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners.' "

House Bill No. 895, Printer's No 233, entitled, "An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled 'An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons' property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws' providing a method for the valuation of real property for taxation purposes."

House Bill No. 947, Printer's No. 299, entitled, "An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled 'An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor which read as follows:

APPROVAL OF HOUSE BILLS Nos. 900, 254, 282, 442, 443, 549, 732, 738, 964 AND 1165

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, May 17, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 900, Printer's No. 399, entitled "An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; and repealing a certain inconsistent section."

House Bill No. 254, Printer's No. 189, entitled "An Act to amend section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred and thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of election imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violations of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for compensation for services rendered by constables and their deputies."

House Bill No. 282, Printer's No. 64, entitled "An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 37) entitled 'An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors'."

House Bill No. 442, Printers No. 612, entitled "An Act making an appropriation out of the Motor License Fund to the Departmentof Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships."

House Bill No. 443, Printer's No. 614, entitled "An Act to amend the appropriation act approved the fifth day of June, one thousand nine hundred thirty-seven (Appropriation Act No. 51-A), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways; and excluding the provision for expenditure by the Department of Highways of such balances, the taxing and budgeting limitations on townships of the second class, and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

House Bill No. 549, Printer's No. 648, entitled, "An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' as amended by providing for equipment allowances increasing and extending clothing allowances and requiring a report by commanding officers."

House Bill No. 732. Printer's No. 324. entitled "An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class, and imposing fines, penalties and forfeitures for violation thereof' as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class."

House Bill No. 738, Printer's No. 249, entitled, "An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 1032) entitled 'An act providing for the abatement of nuisance caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor' by extending the provisions of said act to retaining walls."

House Bill No. 964, Printer's No. 662, entitled, "An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements carrying into effect of such plans, assistance, aid and co-operation with public and private

agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended, by conferring additional powers on the Department of Highways."

House Bill No. 1165, Printer's No. 272, entitled, "An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions' allowing pensions to certain persons heretofore or hereafter dismissed."

ARTHUR H. JAMES.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows.

HOUSE BILL No. 1424.

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

HOUSE BILL No. 1425.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

HOUSE BILL No. 1426.

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

With the information that the Senate has passed the same without amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 17, 1939.

Resolved (if the Senate concur), that House Bill No. 1193, Printer's No. 362, entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots", be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 17, 1939.

Resolved (if the Senate concur), that House Bill No. 1212, Printer's No. 396, entitled "An act providing for the refund of certain moneys by the Pennsylvania Turnpike Cmmission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission", be recalled from the Governor for further consideration.

REPORT FROM DEPARTMENT OF FORESTS AND WATERS

The SPEAKER laid before the House a report from the Secretary of the Department of Forests and Waters in compliance with House Resolution No. 42, Printer's No. 127, adopted by the House on March 23, 1939, which was read by the Clerk.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 74.

An Act to amend section two hundred and seventy-eight and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county dectectives in counties of the fifth and sixth class.

With information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out at the beginning of line 2 the words "to repeal"; also same page, line 10 of the title, by striking out the words "and sixth"; also same line, by inserting after the word "class" the words "and increasing the compensation of detectives in counties of the sixth class".

Amend Section 1, page 2, line 10, by striking out the words "and Sixth"; also same page, at the beginning of line 23, by striking out the words "and sixth"; also same page, by inserting at the end of line 25 after the word "detective" the words "and in counties of the sixth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective".

Amend Section 2, page 3, by striking out all of lines 15 and 16 as follows:

"Section 2 Section two hundred and eighty of said act and its amendments are hereby repealed" and inserting in lieu thereof the following:

"Section two hundred and eighty of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 280 In Counties of the Sixth Class In all counties of the sixth class the district attorney shall have power to appoint with the approval of the president judge of the court of common pleas of such county one county detective at an annual salary not to exceed [two] four thousand [five hundred dollars ($2,500)] ($4,000) to be fixed by the salary board in counties where there is a salary board and in other counties by the district attorney with the approval of the president judge of said court Such detective shall also receive his actual and necessary expenses incurred in the performance of his duties The salary and expenses of such detective shall be paid out of the county treasury in the usual manner.

The county detective herein provided for shall hold his position during the term of the district attorney appointing him and shall be removable at his pleasure He shall have possess and exercise all the rights and powers conferred by existing laws upon constables so far as such laws relate to crimes and criminal procedure and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case He shall also perform such other duties as the district attorney may direct Provided however That nothing herein contained shall prevent the employment of one or more detectives for special purposes as now provided by law".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. CALVIN. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 176.

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable scientific literary and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and loans issued by first class or non-profit corporations and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

With information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, line 1, by inserting after the word "by" and before the word "imposing" the words "defining clarifying and limiting certain exemptions"; also same page, lines 2, 3 and 4 of the title, by striking out the words "by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax"; also same page, line 8 of the title, by striking out the words "scientific literary"; also same page, lines 11 and 12 of the title, by striking out the words "and loans issued by first class or non-profit corporations."

Amend Section 1, page 3, line 9, by inserting after the word "mean" the word "any"; also same page, line 25, by striking out the words "scientific literary"; also same page, line 28, by inserting a light-faced bracket before and after the word "person"; also page 5, by striking out in lines 1 and 2 the words "and loans issued by first class or non-profit corporations of this Commonwealth"; also same page, line 9, by striking out before the word "capital" the word "a" and inserting in lieu thereof the word "the"; also same page, line 10, by inserting after the word "tax" the words "imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) and its amendments and supplements"; also same page, line 21, by striking out the light-faced bracket before the word "yielding"; also same page, line 22, by striking out the light-faced bracket after the word "dollars"; also page 6, line 1, by inserting light-faced brackets before and after the word "or"; also same line by inserting before the word "to" the word "nor"; also same page, line 4, by inserting after the word "company" the words "nor to personal property held in the commercial department and owned in its own right by a banking institution saving institution or trust company in liquidation by a receiver trustee or other fiduciary it being the intent and purpose of this proviso that no tax be assessed or collected upon the personal property enumerated herein"; also same line, by inserting after the word "provided" the word "further"; also same page, line 12, by inserting after the word "for" the words "or any part thereof"; also same page, line 29, by striking out before the word "capital" the word "a" and inserting in lieu thereof the words "the aforesaid"; also same line by inserting after the word "stock" the words "or franchise"; also page 7, line 5, by striking out the word "active"; also same page, line 9, by striking out the words "scientific literary"; also same page, line 21, by inserting light-faced brackets before and after the word "hereafter"; also page 8, line 2, by striking out the light-faced brackets before and after the word "active."

Amend Section 2, page 10, line 23, by inserting after the syllable "tions" and before the word "not" the words "all of which are residents of the Commonwealth but."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Alspach,	Ewing,	Long,	Schrock,
Andrews,	Falkenstein,	Lovett,	Schrope,
Auker	Fauset,	Madden,	Schwab,
Baker,	Finnerty,	Malloy,	Seif,
Balliet,	Fisher,	Malone,	Serrill,
Balthaser,	Fiss,	Marr,	Shaw,
Bardes,	Fleming,	Matthews,	Sloan,
Bennett,	Foor,	McClester,	Snyder,
Bohn,	Freed,	McGarrity,	Sollenberger,
Boney,	Fullerton,	McKinney,	Stambaugh,
Boorse,	Furman,	McLane,	Stank,
Boose,	Gates,	McNally,	Stewart,
Bower,	Gillan,	McVay,	Stockham,
Boyd,	Gillette,	Melchiorre,	Sweeney,
Brancato,	Goll,	Mihm,	Tarr,
Bretherick,	Gorski,	Montgomery,	Taylor,
Broad,	Habbyshaw,	Mooney,	Terry,
Bronson,	Haines,	Moran,	Thistle,
Brown, S. W.,	Hall,	Moser, F. S.,	Tiemann,
Brunner,	Hamilton,	Muir,	Tronzo,
Burns,	Harbeson,	Munley,	Trout,
Burris,	Harkins,	O'Brien,	VanAllsburg,
Cadwalader,	Haudenshield,	O'Connor,	Van Belle,
Calvin,	Henry,	O'Dare,	Voorhees,
Carpenter,	Hewitt	O'Keefe,	Wagner,
Check,	Hindman,	O'Neill,	Walsh,
Chervenak,	Hocke,	Peacock,	Watkins,
Christler,	Hoffman, J. N.,	Powers,	Webster,
Clark,	Hoffman, S. K.,	Preston,	Weiss,
Clearwater,	Holland,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Hoyt,	Reagan,	Welsh, M. J.,
Cohen, R. E.,	Huntley,	Reese, D. P.,	Westrick,
Cook,	Imbrie,	Reese, R. E.,	Wilkinson,
Cooper,	Irvin,	Regan,	Williams,
Cordier,	James,	Rider,	Wilson,
Corrigan,	Johnston,	Riley,	Winner,
Cortese,	Jones,	Robertson,	Wood, H. M.,
Curran,	Keenan,	Rooney,	Wood, L. H.,
Dalrymple,	Kenehan,	Rose,	Wood, N.,
Denman,	Kilroy,	Roseberry,	Woodside,
DeNote,	Kline,	Rosenfeld,	Yeakel,
Dick,	Knoble,	Rothenberger,	Turner,
Dix,	Kowalski,	Royer,	Speaker.
Donahue,	Leisey,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 433.

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth or Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

Mr. Clark asked and obtained leave of absence for Mr. KRISE.

REPORTS FROM COMMITTEES

Mr. MUIR from the Committee on Municipal Corporations reported as amended, House Bill No. 490, entitled:

An Act relating to financial affairs of counties of the second to eighth classes inclusive, cities of the third class, boroughs, towns, townships, county institution districts, poor districts, and school districts of the second, third and fourth classes, except those in cities of the second class A; regulating the time during which taxes therein shall be payable at face and with penalties and fixing the amounts of penalties and interest; changing the dates for the preparation and adoption of the budget, the levying of taxes, the passing of appropriation measures, the delivery of duplicates and warrants, and the giving of notice to the taxables, requiring boards for the assessment and revision of taxes or county commissioners to prepare certain tax duplicates and bills; and repealing existing laws.

Mr. BRUNNER from the Committee on Welfare reported as committed, House Bill No. 1135, entitled:

An Act prohibiting the use of certain canes, except by blind persons, providing protection against accidents to such persons, and providing penalties for violation thereof.

Mr. ELLWOOD B. WELSH from the Committee on Municipal Corporations reported as committed, House Bill No. 491, entitled:

An Act to amend sections four hundred and one, four hundred and thirty-one four hundred forty-one, five hundred and five, five hundred and seven, and five hundred and eleven, and to repeal section five hundred and sixteen of the Act approved twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising, and consolidating the law relating thereto; and repealing existing laws"; changing the dates for the issuing of precepts to assessors and the return thereof, and the dates relating to the revision of assessments, appeals therefrom, and the issuance of duplicates.

Mr. WILKINSON from the Committee on Municipal Corporations, reported as committed, House Bill No. 1529 (Senate Bill No. 818), entitled:

An Act to furtrer amend sections ten and fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing further procedure for preserving such liens and enforcing payment of such claim and validating certain municipal liens heretofore filed and certain liens heretofore revived by suggestion and averment.

Mr. ECKELS from the Committee on Municipal Corporations, reported as committed, House Bill No. 1537 (Senate Bill No. 745), entitled:

An Act to amend section one thousand forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by regulating the number of times the same subject matter may be presented to the voters in a petition of initiation.

Mr. NORMAN WOOD from the Committee on Agriculture,reported as committed, House Bill No. 1510 (Senate Bill No. 374), entitled:

An Act relating to the licensing of dogs trained to aid blind persons without the payment of a license fee.

Mr. HERFERD M. WOOD from the Committee on Military Affairs, reported as committed, House Bill No. 1521 (Senate Bill No. 980), entitled:

An Act to amend section fourteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended providing for an additional cause for vacating commissions of officers and warrant officers of the National Guard.

Mr. TAYLOR from the Committee on Military Affairs, reported as committed, House Bill No. 1396 (Senate Bill No. 117), entitled:

An Act to amend the title and section two of the act approved the twenty-sixth day of May, one thousand eight hundred and ninety-seven (P. L. 106), entitled "An act prohibiting the discharge from the public positions of Union soldiers without a reasonable cause, and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers, except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

Mr. McVAY from the Committee on Military Affairs reported as committed, House Bill No. 1522 (Senate Bill No. 981), entitled:

An Act to amend paragraph one of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 681) entitled "An act providing for the award of drill service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" as amended altering qualifications requirements for the award of such medals and the specification and design thereof.

Mr. PEACOCK from the Committee on Municipal Corporations, reported as committed, House Bill No. 1525 (Senate Bill No. 506), entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" giving owner of mansion house divided by county line right to choose situs of assessment.

Mr. KEENAN from the Committee on Cities—Second Class, reported as committed, House Bill No. 1457 (Senate Bill No. 561), entitled:

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments.

Mr. ELLWOOD B. WELSH from the Committee on Municipal Corporations, reported as committed, House Bill No. 1524 (Senate Bill No. 359), entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven and validating the liens of such taxes.

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. Stockham, to preside.

MR. STOCKHAM IN THE CHAIR

RESOLUTIONS

THANKING SPEAKER

Mr. HABBYSHAW asked and obtained unanimous consent to offer a resolution which was twice read, considered and unanimosuly adopted as follows:

In the House of Representatives, May 18, 1939.

Our genial Speaker is a host in himself.

To be with him is to feel oneself an honored guest, and food and entertainment are superfluous.

His generous hospitality makes for happiness and contentment.

When to this, is added the deep satisfaction that comes from heavily partaking of rich brown buckwheat cakes swimming in delicious maple syrup and savory sausage made from the choicest pigs in Delaware County, one's inner life seems to have been made complete.

All of the Members of this House and our friends of the Press have on some Tuesday morning during this Session, appeared in this House drowsy and dopey but happy and satisfied as the result of our Speaker's bountiful hospitality; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that

Our Speaker has just what it takes
To win and hold our friendship;
His table filled with luscious cakes
Is just the thing to please us,
He makes these strenuous days a treat
By filling us with sausage;
He knows full well that while we eat
We'll have less mind to squabble.
We thank you Speaker for your fare
And for your smiling welcome;
Your hospitality is rare
And so too is your sausage.

THANKING SPEAKER

Mr. DENMAN asked and obtained unanimous consent to offer a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 18, 1939.

Even a last minute filibuster could not take the blue out of yesterday's skies, the sparkle out or its sunshine, the smile off the Speaker's face or the warmth out of his hospitality.

The late start had no effect upon the delight of those who golfed, the joy of those who tried to play baseball, the skill of those who pitched quoits or the ardor of those who partook in other ways of that rare hospitality.

The wants of those who were too old, too young, or too tired to cavort upon the fairways, to race wildly around the baseball diamond or to throw ringers, were amply and fully taken care of by the thoughtfulness of our host while they reclined in comfortable chairs and watched the antics of the more ambitious guests.

To mention the abundance and richness of the refreshments is to start a craving for more so it is best to state only that they were all that the mind could conceive or the appetite could crave.

It was a wonderful afternoon (after it was permitted to start by Cohen and Company) and when the last guest dragged himself away from the scene of the party, his passing marked the end of such a glorious stretch of conviviality as this House has never known, therefore be it

Resolved, by the well-fed and gloriously entertained guests of yesterday and by those members of this House who have sufficiently recovered to be here today, that this last gracious act of our Speaker, the Honorable Ellwood J. Turner marks an epoch in the legislative history of the Commonwealth, that we extend to him our fullest and most sincere thanks for what he did to make the day unforgetable and the session itself a memorable one and as a lasting evidence of our gratitude we direct the Chief Clerk of the House to transmit a copy of this resolution to our Speaker, the Honorable Ellwood J. Turner.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Westmoreland will state his question of personal privilege.

Mr. DENMAN. Mr. Speaker, I have a little poem I want to read.

"ELLWOOD, HE'S IN TROUBLE"

"I've got a letter, parson, from my son away out West,
An' my ol' heart is heavy as an anvil in my breast,
To think the boy whose future I had once so proudly planned,
Should wander from the path o' right an' come to sich an end.

I told him when he left us, only three short years ago,
He'd find himself a plowin' in a mighty crooked row—
He'd miss his father's counsels and his mother's prayers, too,
But he said the farm was hateful, and he guessed he'd have to go.

His letters came so seldom that I somehow sort o' knowed
That Ellwood was a-trampin' on a mighty rocky road,
But never once imagined he would bow my head in shame,
An' in the dust 'd waller his ol' daddy's honored name,

He writes from out in Denver, and the story's mighty short,
I just can't tell his mother; it'd crush her poor ol' heart;
An' so I reckoned, parson, you might break the news to her—
Ellwood's in the Legislatur', but he doesn't say what fur."

In view of the little poem and after the good time we had yesterday I think possibly Ellwood can now say that he is in the Legislature, doing all for the good of the Commonwealth. He gave all of us a darn good time yesterday.

The SPEAKER PRO TEMPORE. The Chair appreciates the sentiment expressed by the gentleman from Westmoreland, and reminded by the resolution recalls the baseball game yesterday afternoon, and was rather impressed by the fact that on the Democratic side he believes the whole Democratic caucus was in the outfield.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Bucks and also the poets, orators, and scribes who wrote and prepared this resolution.

The only thing I have to say is that if you had more fun yesterday than I did you had a grand time. I do not like to sound a sort of critical note, nevertheless I do take exception to the fact that in this resolution it says, "the last act of the Speaker." The Speaker trusts that he may be able to sit in the Chair until the end of next week, although sometimes he has had a hard time staying there, as some of his Democratic brethern have tried to take him out of the Chair at times. Nevertheless he does hope they will let him stay another week until the session is ended and the gavel falls.

At times like this I always like to tell a story which has been told perhaps a thousand times but which seems so apropos that I love to tell it.

Mrs. Flaherty had lost her husband and Mrs. Flanagan came around to visit her.

Mrs. Flaherty said to Mrs. Flanagan. "Oh, he was such a wonderful husband. He was a wonderful man. Every Friday night he came home and put his pay envelope right on the table in front of me, not that there was a damn thing in it, but it was the spirit of the thing." This is in the spirit of the thing. Now let us get down to work.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1088, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laks five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts by further regulating the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business or property of Building and Loan Associations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 236, entitled:

An Act to amend section three thousand one hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" extending the jurisdiction within which and the manner fines penalties and costs may be collected.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 992, entitled:

An Act increasing the amount below which judgments of justices of the peace and alderman in civil cases shall be final.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 831, entitled:

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred seven (P. L. 244) entitled "An act to provide revenue by imposing a license-tax on the keepers of all shooting galleries, shuffleboard-rooms billiard or pool-rooms for purpose of profit or any other place in which any game is played on a table with the use of balls and cues and bowling-alleys nine-pin-alleys tenpin-alleys or other alleys or places in

which any game is played with the use of balls or pins or other objects providing for the collection of said tax and imposing certain duties upon mercantile appraisers and county treasurers" by reducing the license-tax on the keepers of bowling-alleys nine and tenpin-alleys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 133, entitled:

An Act to amend section two thousand four hundred and sixty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the use of moneys collected on borough-owned water-works.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1322, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for the violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections".

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 63, entitled:

An Act authorizing cities boroughs towns and townships to construct acquire own operate control sell and lease facilities for the production generation transmission distribution or furnishing of natural or artificial gas electricity steam or water or the collection disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits or both conferring the power of eminent domain conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1087, entitled:

An Act to amend the title and Section one of the act, approved the second day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand one hundred eighty-three) entitled "An act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporations shall be legal investments for certain corporations and certain funds" extending the investments for certain corporations and certain funds to obligations issued pursuant to the provisions of the Federal Home Loan Bank Act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 309, entitled:

An Act to amend section three of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as re-enacted and amended excluding from the provisions of said act personal property transferred and assigned to or possessed by certain fiduciaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1231, entitled:

An Act to amend clause (b) of section seventeen of and to add section thirty-five and one-tenth to the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing their powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" requiring the commission to provide for registrars to sit in each ward on a certain day prior to election in every even numbered year and to post daily outside of their office certain changes made on the registers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 415, entitled:

An Act imposing a tax for the use of the Commonwealth on all phonographs or machines for reproducing music from records which are operated by the insertion of a coin imposing certain duties on the Department of Revenue and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 644, entitled:

An Act to add clause fifty-nine to section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 89, entitled:

An Act imposing liability for damages sustained by places of business from the maintenance of ditches excavations and trenches in front of such places by municipalities public utility companies or other persons

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 277, entitled:

An Act to provide revenue by imposing a license-tax on the keepers of all pin-ball games hi-score games or other games or devices of skill for purpose of profit providing for the collection of said tax and imposing certain duties upon mercantile appraisers county treasurers and the Department of Revenue and appropriating the proceeds from such tax to the Department of Welfare

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 14, entitled:

An Act to amend section four as amended and section seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usuable for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposin duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways and air craft over this Commonwealth and providing penalties and providing for the suspension of this act under certain conditions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1466 (Senate Bill No. 420), entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties cities boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1484 (Senate Bill No. 58), entitled:

An Act to amend paragraph seven of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by excluding from the definition of "Contract Carrier by Motor Vehicle" under certain conditions agricultural cooperative associations and owners and operators of farms and independent contractors transporting property for such associations and individuals and persons or corporations who furnish transportation of school children exclusively or transportation of certain materials in dump trucks

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1488 (Senate Bill No. 635), entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 955) entitled, "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers; including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation, and imimposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments;" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions and declaring bonds of an authority negotiable instruments, and in certain cases free from taxation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1470 (Senate Bill No. 759), entitled:

An Act to amend section one of the act, approved the seventh day of May, one thousand nine hundred and twenty-three (P. L. 158), entitled "An act creating a Legislative Reference Bureau; providing for the election of a director by the General Assembly; designating the officers and employes of such bureau, defining their duties; fixing their salaries; abolishing the present Legislative Reference Bureau; and making an appropriation" providing for the location of the bureau.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 788, entitled:

An Act requiring cities of the first class to furnish free of charge to uniformed officers and men employed in the police department fire department and park guard the first uniform or part thereof made necessary by any change made in the prescribed uniform

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 817, entitled:

An Act to amend section three hundred three of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" fixing the salaries of commissioners of counties of the third class for acting as officers of institution districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1471 (Senate Bill No. 808), entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads," extending provisions to include boroughs, incorporated towns, or townships, and for taking over or building such connecting roads not exceeding two miles one mile in length.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1494 (Senate Bill No. 459), entitled:

An Act relating to recognizances and official bonds of present and future sheriff's and coroners and to their sureties thereon imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions dispensing with sureties on such recognizances but providing for the acknowledgment recording and indexing of same as liens on certain real estate regulating such liens and releases therefrom providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances and repealing inconsistent laws except as to existing claims or pending suits thereunder subject to certain limitations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1550, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a certain portion of its work

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1312, entitled:

An Act making an appropriation to the Department of Pennsylvania Grand Army of the Republic

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1552, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 618, entitled:

An Act making an appropriation to the Department of Military Affairs to defray the expenses of the Pennsylvania National Guard in taking part in the parade in connection with the annual encampment of the Grand Army of the Republic.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 110, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 327, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2723), entitled "An act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes, and streams, title to which is in the Commonwealth, have been and are occupied or encroached upon; and making an appropriation," and lapsing the unobligated balance of the appropriation made thereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1551, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1113, entitled:

An Act authorizing the appointment of a joint committee to make an investigation and survey of the construction and maintenance of public roads, streets, highways and bridges within the Commonwealth, and the laws relating thereto; to study and report to the Legislature its findings based upon such survey; giving it authority to sit after the adjournment of the Legislature and compel the attendance of witnesses and the production of books and papers; and to employ and fix the compensation of necessary employees; and making an appropriation from the Motor License Fund to meet the expenses of said joint committee.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 188, entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile edit and publish a compilation of laws relating to soldiers sailors and marines their dependents and war veterans organizations and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1496, entitled:

An Act making an appropriation from the Flood Control Fund to the Department of Forests and Waters for the payment of repairs and construction to certain dikes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1459 (Senate Bill No. 169), entitled:

An Act relating to parks, farms, glens, or picnic grounds, owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of aldermen and justices of the peace thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1523 (Senate Bill No. 152), entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the Board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors and providing penalties therefor and for other cognate purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1532 (Senate Bill No. 25), entitled:

An Act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1486 (Senate Bill No. 274), entitled:

An Act providing for the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class, providing for their office, office supplies and clerical assistance and providing for their compensation and the payment of the same by the county.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1424.

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 1425.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

HOUSE BILL No. 1426.

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 176.

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by defining clarifying and limiting certain exemptions imposing the tax upon the value of certain equitable interests personal property held or possessed by certain executors administrators and fiduciaries and by employes thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for nonresidents and foreign cvorporations under certain circumstances and by making further provisions for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 990, entitled:

A Joint Resolution proposing an amendment to section eight article four and to add an additional section to article ten of the Constitution of Pennsylvania

The first section was read as follows:

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendments to the Constitution of the Commonwealth of Pennsylvania be and the same are hereby proposed in accordance with the eighteenth article thereof

That section eight article four of the Constitution of the Commonwealth of Pennsylvania be amended to read as follows

Section 8 He shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint a Secretary of the Commonwealth and an Attorney General during pleasure and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint he shall have power to fill all vacancies that may happen in offices to which he may appoint during the recess of the Senate by granting commissions which shall expire at the end of their next session he shall have power to fill any vacancy that may happen during the recess of the Senate in the office of the Auditor General State Treasurer or Secretary of Internal Affairs in a judicial office or in any other elective office which he is or may be authorized to fill if the vacancy shall happen during the session of the Senate the Governor shall nominate to the Senate before their final adjournment a proper person to fill said vacancy but in any such case of vacancy in an elective office a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution unless the vacancy shall happen within two calendar months immediately preceding such election day in which case the election for said office shall be held on the second succeeding election day appropriate to such office In acting on executive nominations the Senate shall sit with open doors and in confirming or rejecting the nominations of the Governor the vote shall be taken by yeas and nays and shall be entered on the Journal

That article ten of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto a new section to read as follows

Section 4 There shall be in the Department of Public Instruction a body to be known as the State Council of Education consisting of nine members who shall elect the Superintendent of Public Instruction for a term of not less than five years and perform such other duties as they may by law be directed to perform They shall serve without pay but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of said council Until otherwise directed by law the duties of the Council of Education in addition to the election of the State Superintendent of Public Instruction shall be those devolving upon the existing Council of Education when this Amendment becomes effective

The first Council of Education herein provided shall consist of the nine appointive members of the then existiny Council of Education They shall meet as soon as reasonably possible after this amendment becomes effective and shall determine by lot the terms of office of the several members from one year to nine years one term to expire one year from the first day of April following the date of this organization meeting another to expire two years from said first day of April and so on their successors to be appointed by the Governor one each year for terms of nine years each They may be removed from office before their respective terms have expired by the Governor with the consent of two-thirds of the Senate Vacancies which may happen in the Council of Education shall be filled by appointments of the Governor for the

remainder of the unexpired terms of Office They shall choose such officers and adopt such rules of procedure as they deem necessary At no time shall more than two persons actively engaged in the work of education as an occupation hold membership in the Council of Education but this provision shall not affect the eligibility of any appointive member holding over from the previously existing council to complete the term allotted to him at the organization of the new council as hereinbefore provided

On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. WEBSTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study and possible amendment.

On the question,
Will the House agree to the motion?

Mr. HARKINS. Mr. Speaker and members of the House, I rise not to oppose this motion, but I rise to ask the House to do what it has already signified it's willingness to do. I believe this is a very good opportunity and a very good time to put on the record objections to this particular constitutional or proposed constitutional amendment.

It may seem odd for a member of the minority party to stand here and say, "It seems to me that it is not only good judgment to recognize the fact that the incoming Governor of a new administration should have some measure, not of political control, but some measure of control over the Department of Public Instruction or at least over the selection of the Superintendent of Public Instruction inasmuch as the Governor is the man who will be held responsible in the event this Department does not function properly."

It seems to me, Mr. Speaker and members of the House, in sending this proposed constitutional amendment back to committee we are indicating that we believe the Governor should have the right to choose the members of his cabinet, especially inasmuch as in this case it is a constitutional officer, and his selection would have to be ratified by a two-thirds majority of the Senate, and also inasmuch as the removal of this officer would have to be concurred in by a two-thirds majority of the ratifying body, namely, the Senate.

Further, I want to give notice, as far as I am concerned, not to the majority party, but rather to those educators who more or less feel that after they have determined that a certain solution is the only solution to a problem, after all not only the members of the Legislature but also individual citizens who are taxpayers, may have different ideas upon some of these educational problems. I also want to call to their attention the fact that perhaps the ideas of the taxpayers after all are not so far wrong. I thank you.

On the question recurring,
Will the House agree to the motion?
It was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 702, Senate Bill No. 134, Printer's No. 195 was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1362, (Senate Bill No. 135), entitled:

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth.

And said bill having read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1372 (Senate Bill No. 129), entitled:

An Act regulating marriages and the issuance of licenses to marry imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies providing for the annulment of marriages for certain violations of this act and fixing other penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Short Title This act shall be known and may be cited as the "Marriage License Act".

On the question,
Will the House agree to the section?

Mr. BRETHERICK. Mr. Speaker, I ask that this bill be permitted to go over in its order.

Mr. STOCKHAM. I may be out of order, but I proposed moving, that the bill be recommitted to the Committee on Judiciary General. Will the gentleman permit himself to be interrogated?

The SPEAKER. Will the gentleman from Delaware, Mr. Bretherick, permit himself to be interrogated?

Mr. BRETHERICK. I shall, Mr. Speaker.

Mr. STOCKHAM. Mr. Speaker, will the gentleman from Delaware, permit this bill to be recommitted?

Mr. BRETHERICK. I am perfectly willing, Mr. Speaker, to recommit the bill.

Mr. STOCKHAM. Mr. Speaker, then the gentleman withdraws his request in favor of my motion?

Mr. BRETHERICK. I will, Mr. Speaker.

Mr. STOCKHAM. I thank the gentleman, Mr. Speaker.

BILL RECOMMITTED

Mr. STOCKHAM. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

On the question,
Will the House agree to the motion?

Mr. COOPER. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Stockham.

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated?

Mr. STOCKHAM. I will, Mr. Speaker.

Mr. COOPER. Mr. Speaker, I would like to ask the gentleman from Bucks for what purpose he wishes this bill recommitted to the Committee on Judiciary General?

Mr. STOCKHAM. Mr. Speaker, we are rather of the opinion that there are some phases of this bill that are rather loosely drawn and need further consideration in Committee.

Mr. COOPER. Mr. Speaker and members of the House, I rise to oppose the recommitting of this bill to the Committee on Judiciary General, for this reason: the Committee on Judiciary General had this bill in its hands for some time, probably about a month. It was referred to a sub-committee. They gave it serious consideration, and brought it out of that Committee and committed. A few more amendments are waiting to be offered as soon as the bill is called up. The bill was drawn and prepared by certain judges from Allegheny County who worked very hard and studiously on it. We are of the opinion that the bill should not be recommitted to the Committee on Judiciary General, and I ask the members of the House to oppose the motion to recommit.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1461 (Senate Bill No. 235), entitled:

An Act to repeal the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicles appraisers establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providing for appeals to the courts from decisions of the commission imposing penalties and making appropriation" and abolishing the motor vehicles dealers' commission and terminating the terms of its members

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1434 (Senate Bill No. 461), Printer's No. 100, was passed over at the request of Mr. MARR.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1480 (Senate Bill No. 486), entitled:

An Act authorizing certain existing beneficial or protective societies, heretofore incorporated, to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such corporations and limiting the amount for which such corporations may issue policies.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1442 (Senate Bill No. 422), entitled:

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties; and repealing existing laws," as amended, by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business, to write policies without contingent liability in such policy or in the power of attorney.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1468 (Senate Bill No. 492), entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1467 (Senate Bill No. 458), entitled:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1439 (Senate Bill No. 408), entitled:

An Act to include in any general blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1423, entitled:

An Act to amend the act to reenact and amend section two hundred twelve and to repeal section one thousand thirty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended further amplifying and changing the provisions of said act relating to certificates of title the correction cancellation and assignment thereof notices contained therein and the rights of persons to apply for receive and possess such certificates as agents and declaring liens and encumbrances shown on such certificates to be lawful notice thereof to the Commonwealth creditors and purchasers further regulating the registration and operation of certain motor vehicles trailers and semi-trailers the application for and suspension of operators' licenses the use of registration tags in certain cases and the lawful weight size equipment and speed of such vehicles removing certain exemptions and providing new exemptions from the various provisions of said act providing for the suspension of inspection stations appeals from such suspension and the appointment and regulation of new ones by the Secretary of Revenue authorizing the destruction of certain motor vehicles by the secretary restricting the transportation of explosives authorizing the arrest and prosecution of and entry of bail by offenders on Sunday changing the time when prosecution may be brought for certain offenses making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings changing fees disposing of certain fines and penalties and forfeited bail and changing and imposing new penalties

The first to the twentieth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one and subsection (b) of section two hundred three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 201 Certificate of Title Required

(a) No person who is a resident of this Commonwealth shall own a motor vehicle trailer or semi-trailer in this Commonwealth unless a certificate of title therefor shall have been obtained as provided in this act.

(b) Provided That manufacturers and jobbers shall not be required to obtain certificate of title for new motor vehicles trailers or semi-trailers when consigned by such manufacturers or jobbers to dealers And further provided That dealers need not obtain certificate of title for new motor vehicles trailers or semi-trailers until and before sale thereof

Penalty Any person violating the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 203 Contents Delivery Effect and Life of Certificate of Title

* * * * *

(b) Where there are no liens or encumbrances upon the motor vehicle trailer or semi-trailer the certificate of title shall be delivered to the owner but otherwise the certificate of title shall be delivered to the person holding th first lien or encumbrance upon said motor vehicle trailer or semi-trailer and be retained by such person until the entire amount of such first lien or encumbrance is fully paid by the owner of said motor vehicle trailer or semi-trailer The certificate of title when issued by the secretary showing a lien or encumbrance shall be adequate notice to the Commonwealth creditors and purchasers that a lien against the motor vehicle trailer or semi-trailer exists and failure to transfer possession of the vehicle trailer or semi-trailer shall not invalidate said lien or encumbrance Upon the final payment being made of any lien or encumbrance the certificate of title shall be delivered immediately to the owner of said motor vehicle trailer or semi-trailer with proper evidence of satisfaction of same providing there are no subsequent liens or encumbrances If there are any subsequent liens or encumbrances upon the motor vehicle trailer or semi-trailer the certificate of title upon final payment being made of any lien or encumbrance shall be returned to the department by the person whose lien or encumbrance has been discharged by such payment within forty-eight (48) hours of such payment A corrected certificate of title together with a statement of the remaining liens or encumbrances on record shall be delivered to the person holding the next lien or encumbrance upon said motor vehicle trailer or semi-trailer and be retained by such person until the entire amount of such lien or encumbrance is fully paid by the owner of said motor vehicle trailer or semi-trailer A corrected certificate of title without statement of liens or encumbrances shall be issued by the department upon request of the owner when original certificate of title is returned with proper evidence that all said liens or encumbrances have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens or encumbrances have been satisfied or when the lien or encumbrance upon the motor vehicle trailer or semi-trailer has not been renewed within the three years immediately preceding the issuance of such corrected certificate of title providing that the computation of three years shall not include time before June first one thousand nine hundred thirty-seven

Section 2 Section two hundred five of said act is hereby amended to read as follows

Section 205 Correction of Certificate of Title When it is shown by proper evidence upon investigation and good cause appearing therefor that any certificate of title has been issued (bearing) in error or containing incorrect information due to any cause or to a person not entitled thereto the secretary shall require the return of such certificate of title together with any other information necessary for the adjustment of the department records and the secretary shall thereupon cancel such certificate and issue a corrected certificate of title without fee

Section 3 Sections two hundred eight and two hundred ten of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 208 Change of Ownership by Operation of Law and Judicial Sale In the case of the transfer of ownership or possession of a motor vehicle trailer or semi-trailer by operation of law as upon inheritance devise or bequest order in bankruptcy insolvency replevin or execution sale or whenever a motor vehicle trailer or semi-trailer is sold at public sale to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a lease contract of conditional sale or other like agreement made upon or in connection with any encumbrance or lien recorded and continuing of record in the department it shall thereupon become the duty of the person from whose possession such motor vehicle trailer or semi-trailer was taken if there are no liens encumbrances or legal claims thereon and without prejudice to his rights in the premises immediately to surrender the certificate of title for such motor vehicle trailer or semi-trailer to the person to whom possession of such motor vehicle trailer or semi-trailer has so passed The secretary upon surrender of prior certificate of title or when that is not possible or when the certificate of title for such motor vehicle trailer or semi-trailer is held by a person holding a first lien encumbrance or legal claim thereon upon presentation of satisfactory proof to the secretary of ownership and right of possession to such motor vehicle trailer or semi-trailer and upon payment of the fee prescribed in this act and presentation of application for certificate of title may issue to the applicant to whom possession of such motor vehicle trailer or semi-trailer has so passed a certificate of title thereto but where a first lien encumbrance or legal claim upon such motor vehicle trailer or semi-trailer is held by another the secretary shall deliver the said certificate of title containing thereon a statement of the liens encumbrances or legal claims upon such motor vehicle trailer or semi-trailer to the person holding such first lien encumbrance or legal claim which shall be retained by such person until the entire amount of such first lien encumbrance or legal claim is fully paid by the owner of said motor vehicle trailer or semi-trailer when the said certificate of title shall be delivered to said owner by the person who held the first lien encumbrance or legal claim with proper evidence of satisfaction of same A corrected certificate of title without statement of liens encumbrances or legal claims shall be issued by the secretary upon request of the owner when the original certificate of title is returned with proper evidence that all said liens encumbrances or legal claims have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens encumbrances or legal claims have been satisfied or when the lien or encumbrance upon the motor vehicle trailer or semi-trailer has not been renewed within three (3) years immediately preceding the issuance of such corrected certificate of title [The certificate of title when issued by the secretary showing a lien or encumbrance shall be adequate notice to the Commonwealth creditors and purchasers that a lien against the motor vehicle trailer or semi-trailer exists and failure to transfer possession of the vehicle trailer or semi-trailer shall not invalidate said lien or encumbrance] Provided That the secretary shall not incur any personal liability in carrying out the provisions of this section or in furnishing any information from the records of the department with respect to the existence or nonexistence of any lien or encumbrance on any motor vehicle trailer or semi-trailer

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 210 Destruction and Cancellation of Records of Certificates of Title Notice of Junking Motor Vehicles

(a) The secretary shall maintain a record of certificates of title issued and may after three (3) years from year of issue at his discretion destroy such records

(b) The owner of a motor vehicle trailer or semi-trailer shall notify the secretary within ten (10) days of the destruction or junking of any motor vehicle trailer or semi-trailer and return certificate of title to the department for cancellation of record

(c) Any owner who sells a motor vehicle trailer or semi-trailer as scrap or to be destroyed or junked shall assign the certificate of title thereto to the person to whom the motor vehicle trailer or semi-trailer is sold but shall return such assigned certificate of title to the department immediately with an application for a certificate of junk whereupon the department shall issue to the person shown as the assignee a certificate of junk which shall authorize the holder thereof to possess transport or by endorsement transfer ownership in such junked motor vehicle trailer or semi-trailer and a certificate of title shall not again be issued for such motor vehicle trailer or semi-trailer

(d) The secretary upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity wth the laws of such other state or foreign country may cancel such record of certificate of title

(e) The secretary upon receipt of certification from the clerk of courts showing conviction for a misstatement of facts on an application for certificate of title or duplicate thereof or any assignment of certificate of title shall forthwith cancel the record of such certificate of title assignment or duplicate certificate and require that the certificate of title be returned immediately to the department for cancellation of record

(f) The secretary may cancel any record of certificate of title when check received in payment of fee therefor is not paid on demand

(g) The secretary may cancel the certificate of title issued for a new motor vehicle trailer or semi-trailer in the possession of a dealer when it is shown by satisfactory evidence that the motor vehicle trailer or semi-trailer has been returned to the manufacturer jobber or dealer from whom obtained

(h) It shall be unlawful to puchase or sell a certificate of title or certificate of junk Peace officers or department representatives may confiscate such certificates when unlawfully possessed or used

(i) The secretary may cancel the record of certificate of title of any motor vehicle trailer or semi-trailer when registration has not been applied for within any of the three (3) immediate preceding years

(j) The secretary shall have the authority to cancel certificates of title for abandoned or wrecked vehicles authorized to be junked as provided in this act

Penalty Any person violating any of the provisions under subsections (b) (c) or (h) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 4 Section two hundred twelve of said act which was added by the act approved the twenty-ninth day of June one thousand nine hundred an thirty-seven (Pamphlet Laws 2329) is hereby reenacted and amended to read as follows

Section 212 Application for Title by Agent

(a) No person shall make application for a certificate of title when acting for another person unless the authorization to make such application is in effect and is verified by oath or affirmation of such other person made

not more than fifteen (15) days before such application is received by the department

(b) No person shall make application for or assign or physically possess a certificate of title or direct or allow another person in his employ or control to make application for or assign or physically possess a certificate of title unless the name of the person who is assignee purchaser or lessee is placed on the assignment of certificate of title simultaneously with the name of the assignor seller or lessor [and at the time that the oath or affirmation of the assignor seller or lessor is made]

(c) No person shall receive obtain or hold a certificate of title recorded in the name of another person for such other person who is not in the regular employ of or not a member of the family of such other person unless the person receiving obtaining or holding the certificate of title has a valid undischarged encumbrance recorded in the department against the vehicle represented by such certificate of title

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Sectin 5 Article two of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended by adding thereto after section two hundred twelve a new section to read as follows

Section 213 Title to Give Notice of Former Use as Taxicab et Cetera No person shall assign a certificate of title to any motor vehicle which has been used as a taxicab or for the carrying of passengers for hire or has ever been offered to the public for hire unless such certificate shall clearly contain notice thereon either printed or typewritten or written by hand in ink that such vehicle has been used

Penalty Any person violating the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten (10) days

Section 6 Sections four hundred one four hundred nine four hundred eleven and five hundred two of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 401 Registration of Motor Vehicles Trailers and Semi-Trailers Required

(a) Except as is hereinafter provided no motor vehicle trailer or semi-trailer shall be operated upon any highway in this Commonwealth until such motor vehicle trailer or semi-trailer shall have been properly registered with the department as hereinafter provided and the registation plate or plates that have been issued for the vehicle for the current year are received and displayed as required by this act and no motor vehicle shall be registered until a certificate of title has been obtained therefor

(b) The owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for compensation either regularly according to schedule or for a period exceeding thirty (30) days in the calendar year unless exempted from registration under the terms of a reciprocity agreement shall register such vehicle and pay the same fees therefor as are required for like vehicles owned by residents of this Commonwealth

(c) Every nonresident including any foreign corporation carrying on business within this Commonwealth and owning and regularly operating in such business any motor vehicle trailer or semi-trailer [exclusively] within this Commonwealth unless exempted from registration under the terms of a reciprocity agreement shall be required to register each such vehicle and pay the same fee therefore as is required with reference to like vehicles owned by residents of this Commonwealth

(d) Motor vehicles trailers and semi-trailers determined by the department to be used exclusively by any person or his agents and employes upon the farm or farms he owns or operates or upon highways connecting by the most direct route any farms or portions of farms all of which are situated in any one county or county next adjoining thereto and under the single ownership or operation of such person shall be exempt from registration on issuance by the department of a certificate of exemption provided that motor vehicles trailers and semi-trailers exempt from registration under this act may be operated upon highways connecting by the nearest route such farm or farms and the nearest official inspection station for purposes of inspection as provided for in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 409 Registration by Nonresidents Exemption of [residents from provisions of articles eight and nine] Nonresidents and Agreements with other States

(a) The secretary shall have the authority to make agreements with the duly authorized representatives of other states exempting the residents of such other states using the highways of this Commonwealth from the payment of all or any taxes fees or other charges imposed under this act with such restrictions conditions and privileges or lack of them as he may deem advisable providing that all vehicles owned by nonresidents shall be properly registered in the state of the residence of their owner and shall conspicuously display a registration plate and that residents of this Commonwealth when using the highways of such other state shall receive exemptions of a similar kind to a like degree

(b) The secretary shall also have the authority to make agreements with the duly authorized representatives of other states exempting the residents of such other states using the highways of this Commonwealth from compliance with any or all of the provisions of article eight and article nine of this act with such restrictions conditions and privileges or lack of them as he may deem advisable providing that all vehicles owned by nonresidents shall conspicuously display a registration plate and comply with all the provisions of the laws of the state of residence of their owner relating to equipment of vehicles and that residents of this Commonwealth when using the highways of such other state shall receive exemptions of a similar kind to a like degree

(c) If by the laws of any other state any taxes fees charges fines penalties or other obligations or prohibitions relating to equipment size weight and construction of vehicles or restrictions or limitations of any kind whatsoever are imposed upon the vehicles of residents of this Commonwealth additional to or in excess of those imposed by this Commonwealth upon the vehicles of residents of any other state the secretary shall have the authority to impose and collect taxes fees or charges in a like amount and provide for similar fines penalties obligations and prohibitions upon the owner or operator of a vehicle registered in such other state so long as the laws of such other state remain in force and effect

(d) Where provisions relating to the equipment size weight or construction of vehicles engaging in interstate commerce are included within or prohibited by any Federal law or regulation now existing or hereafter to be enacted or adopted the secretary shall have the authority to exempt from the operation of any or all of the provisions of articles eight and nine of this act any or all classifications of vehicles registered in this Commonwealth with such restrictions conditions and privileges or lack of them as he may deem advisable Vehicles so exempted shall be subject to the laws or regulations enacted or adopted by the Federal Government relating to the equipment size weight or construction of such vehicles to the same extent and with the same force and effect as if such laws or regulations were expressly set forth in this act Prosecutions and arrests for violations of such laws or regulations shall be brought or made subject to the conditions herein described with the same limitations as is now or may hereafter be provided for other prosecutions and arrests made under this act

(e) Nonresidents of this Commonwealth except as otherwise provided in this act even in the absence of any agreement as hereinbefore provided will be exempt from the provisions of this act as to the registration of motor vehicles trailers and semi-trailers for the same time and to

the same extent as like exemptions are granted residents of this Commonwealth under the laws of the foreign country or state of such non-resident Provided That such non-residents shall have complied with the provisions of the law of the foreign country or state of their residence relative to the registration and equipment of their motor vehicles trailers and semi-trailers and shall conspicuously display registration plates

Penalty Any person owning or operating a vehicle not registered in this Commonwealth in violation of the terms of any agreement made under this section or in the absence of any agreement shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days or suffer such other penalty as the secretary may prescribe under subsection (c) of this section

Section 411 Transfer of Registration

(a) Upon transfer of ownership or the destruction of any motor vehicle trailer or semi-trailer the registration shall expire

(b) When transfer [is made from one registration classification to another registration classification] of registration plates is made from one motor vehicle to another owned by the same person application shall be made immediately to the department upon a form furnished by the department [upon payment of] accompanied by the transfer fee provided in this act when the motor vehicle trailer or semi-trailer is of equal or less horsepower or classification than that originally registered or [upon payment of] accompanied by the transfer fee provided in this act and the difference between the fee originally paid and that due if the motor vehicle trailer or semi-trailer to which the registration plates are transferred be properly registered in a higher class

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semi-trailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semi-trailer including lamps and other equipment as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

(d) When transfer of registration is made the owner shall be given a transfer registration card and new registration number if transfer is made to another classification Immediatly upon receipt of such transfer registration card the owner shall return to the department the original registration card unless such card has been lost or destroyed.

(e) When a transfer of registration is made after a vehicle has been registered for the succeeding year and the transfer application has been received and completed by the department prior to January first of such succeeding year the transfer fee provided in this act shall not be required.

Penalty Any person violating any of the provisions of [subsection (b)] subsections (b) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days.

Section 502 Use of Manufacturer's Jobber's and Dealer's Registration Plates Limited Registration plate or plates issued in the "Dealer's Class" may be used on any motor vehicle trailer or semi-trailer owned or in the possession of a manufacturer jobber or dealer and operated by such manufacturer jobber or dealer or the employe of such manufacturer jobber or dealer when such motor vehicle trailer or semi-trailer is used (a) in the motor vehicle business of such manufacturer jobber or dealer (b) for the personal pleasure of such manufacturer jobber or dealer or the members of his family when operated by such manufacturer jobber or dealer or an immediate member of his family or when such manufacturer jobber or dealer is a corporation for the personal pleasure of not more than three officers thereof who are actively engaged in its business or the members of their families or for the personal pleasure of the regular employes of such manufacturer jobber dealer or corporation when operated by such employe (c) for teaching a new operator how to operate a motor vehicle if such new operator has procured a learner's permit and for such new operator to take an examination for an operator's license or (d) for testing motor vehicles trailers or semi-trailers in the possession of such manufacturer jobber or dealer or (e) for demonstrating motor vehicles trailers or semi-trailers in the possession of such manufacturer jobber or dealer and such vehicles may be operated by a prospective purchaser when licensed as an operator or permittee and when accompanied by the manufacturer jobber or dealer or an employe of such manufacturer jobber or dealer Provided That in no event shall manufacturers jobbers or dealers registration plates be used for any purpose other than as limited in this section.

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days.

Section 7 Scetion five hundred three of said act is hereby amended to read as follows.

Section 503 How Registration Plates Carried on Motor Vehicles Every registration plate shall at all times be securely fastened to the vehicles to which it is assigned or on which it is used one on the front the other on the rear except that for motorcycles bicycles with motor attached trailers and semi-trailers the single plate shall be on the rear.

No plate shall be attached at a height less than twelve (12) inches from the ground measuring from the bottom of such plate nor shall any plate be obscured.

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and cost of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days.

Section 8 Section six hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 601 Operators Must be Licensed No person except those expressly exempted under this act shall operate any motor vehicles upon a highway in this Commonwealth unless such person has been licensed as an operator or a learner by the department under the provisions of this act No person who has been issued a restricted license to operate motor vehicles by the secretary shall operate any motor vehicle in violation of such restrictions

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and the second offense twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for the third and any subsequent offense fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 9 Subsection (b) of section six hundred fifteen of said act which was amended and section six hundred fifteen and one-tenth of said act which was added by the act approved the twenty-ninth day of June one thousand

nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 615 Suspension of Licenses or Operating Privileges

* * * *

(b) The secretary may suspend the operator's license or learner's permit of any person after a hearing before the secretary or his representative [or upon failure of the said person to appear at such hearing] whenever the secretary finds upon sufficient evidence

1 That such person has committed any offense for the conviction of which mandatory revocation of license is provided in this act

2 That such person has committed any violation of the motor vehicle laws of this Commonwealth

3 That such person has failed to file a report with the department of a motor vehicle accident as required by this act

4 That such person was operating any motor vehicle involved in an accident resulting fatally to any person

5 That such person is incompetent or unable to exercise reasonable and ordinary control over a vehicle

6 That such person has failed to pay a fine properly imposed by any court of this Commonwealth or of any state or has failed to appear for a hearing before a court of competent jurisdiction of this Commonwealth or of any state upon being notified as provided by law

7 That any such person involved in an accident by motor vehicle or in any violation of this act has failed to attend or appear at a hearing before the secretary or his representatives after being properly notified

Section 615.1 Suspension of Privilege to Apply for Operator's License or Learner's Permit

The secretary may suspend the privilege of any person to apply for an operator's license or learner's permit after a hearing before the secretary or his representative [or upon failure of the said person to appear at such hearing] whenever the secretary finds upon sufficient evidence

(a) That such person has committed any offense for the conviction of which mandatory revocation of license is provided in this act

(b) That such person has committed any violation of the motor vehicle laws of this Commonwealth

(c) That such person has failed to file a report with the department of a motor vehicle accident as required by this act

(d) That such person was operating any motor vehicle involved in an accident resulting fatally to any person

(e) That such person was convicted of an offense in another state which if committed in this Commonwealth would be grounds for the suspension of the privilege to apply for an operator's license or learner's permit

(f) That such person failed to pay a fine properly imposed or has been involved in an accident by motor vehicle or in any violation of this act and has failed to appear for a hearing before the secretary or his representatives after being properly notified or has failed to appear for a hearing upon a charge of a violation of the vehicle code of another state before a court of competent jurisdiction of such other state upon being notified as provided by law

(g) That the department has received a certification or request or order of any court or commission to suspend the privilege of any person to apply for an operator's license or learner's permit duly authorized under the laws of this Commonwealth and empowered by such laws to make such certifications requests or orders

(h) Whenever the secretary suspends the privilege to apply for an operator's license or learner's permit of any person the secretary shall immediately notify such person and afford him an opportunity of a hearing before said secretary or his representative provided such hearing has not already been held and after such hearing the secretary shall either rescind his order of suspension or good cause appearing therefor may suspend the privilege to apply for an operator's license or learner's permit for a further period

Section 10 Section six hundred sixteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 616 Right of Appeal to Court from Suspension Any person whose operator's license or learner's permit has been suspended or who has been deprived of the privilege of applying for an operator's license or learner's permit by the secretary under the provisions of this act shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the court of common pleas of the county in which the operator or permittee resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter down for hearing upon thirty (30) days' written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to suspension of operator's license or learner's permit or whether he may be deprived of the privilege of applying for an operator's license or learner's permit under the provisions of this act

Section 11 The penalty clause of section six hundred twenty and section seven hundred twelve of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 620 Violation of License Provisions * * * *

Penalty Any person violating any of the provisions of subsections (a) (b) (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsection (j) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosection and in default of the payment thereof shall undergo imprisonment for not more than twenty (20) days

Any person violating any of the provisions of subsection (e) (f) (g) (h) or (i) [or (j)] of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not less than one hundred ($100) dollars and not more than five hundred ($500) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment

Section 712 Lighting Equipment

(a) The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty ($150) dollars for each type approved

(b) The fee for approval and registration of rear lamps signal lamps reflectors flares and mechanical signal devices shall be fifty ($50) dollars for each type approved

(c) The fee for approval and registration incident to the renewal of a certificate of approval for head lamps shall be fifty ($50) dollars

[(d) The fee for approval and registration incident to the renewal of a certificate of approval for auxiliary driving lamps rear lamps signal lamps reflectors and mechanical signal devices shall be twenty-five ($25) dollars]

(e) The fee for approval and registration of vacuum or pressure hose for brake systems shall be twenty-five ($25) dollars for each type approved

(f) The fee for approval and registration incidental to the renewal of a certificate of approval for vacuum or pressure hose for brake systems shall be ten ($10) dollars

(g) The fee for approval and registration of a hitch or coupling device shall be twenty-five ($25) dollars for each type approved

(h) Certificates approving each type of hitch or coupling device hereafter issued by the secretary will not expire until revoked by the secretary

Section 12 Section seven hundred fourteen of said act is hereby amended to read as follows

Section 714 Replacement or Substitution of Registration Plates The fee for replaced or substituted or duplicated motor vehicle trailer semi-trailer and manufacturer's

jobber's or dealer's registration plate or plates shall be one ($1) dollar and [except that] the fee for all replaced or substituted or duplicated motorcycle or bicycle with motor attached registration plates including dealer's shall be fifty ($.50) cents

Section 13 Sections seven hundred seventeen and seven hundred nineteen of said act as amended by the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) are hereby further amended to read as follows

Section 717 Certified Copies of Records

The fee for certified copy or certified photostat copy of any department record which the department is authorized by law to furnish to the public shall be one ($1) dollar for each form or supporting document comprising such record

Section 719 Special Hauling Permits

The fee for a special hauling permit shall be five ($5.00) dollars plus two ($0.02) cents for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads in excess of the legal gross carrying capacity for which such vehicles or combination of vehicles have been properly registered for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for cancelling an unused special hauling permit shall be one ($1.00) dollar payable to and upon the approval of the authorities issuing the permit

Section 14 Subsection (g) of section eight hundred one section eight hundred two subsection (e) of section eight hundred seven and subsection (b) of section eight hundred eight of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 801 Required Lighting Equipment

* * * *

(g) Lamps on Bicycles Every bicycle and every bicycle with motor attached shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in front of such bicycle or bicycle with motor attached and on and after the first day of January one thousand nine hundred and forty-one shall also be equipped with a red reflector or lamp on the rear of a diameter at least one and one-half (1½) inches exhibiting or reflecting a red light [visible under like conditions from a distance of at least five hundred (500) feet to the rear of such bicycle or bicycle with motor attached]

Section 802 Addtional Permissible Lights and Devices

(a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed one (1) spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle.

(b) Auxiliary Driving Lamps Any motor vehicle may be equipped with not more than three (3) nor less than two (2) auxiliary driving lamps mounted on the front spaced at a distance of not less than twenty (20) inches apart and of a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands which lamps shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary Auxiliary or fog lamps shall not be used in substitution of head lamps except under conditions of rain or fog rendering disadvantageous the use of head lamps

(c) Signal Lamps and Mechanical Signal Devices

1 Whenever a motor vehicle is required to be equipped with a signal lamp or a signal device it shall be so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow or red in color and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front and from a distance of one hundred (100) feet to the rear of the vehicle but shall not project a glaring or dazzling light and all such signals shall be of types which at the time of their use are approved by the secretary except that a signal giving the intention to stop shall only be visible from a distance of one hundred (100) feet to the rear

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be self illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of a type which at the time of its use is approved by the secretary

3 When a vehicle is equipped with an electrical signal device such device shall be of a type which at the time of its use is approved by the secretary and shall become effective November first one thousand nine hundred and thirty-nine

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 807 Revocation of Certificates of Approval of Lighting Devices and of Vacuum or Pressure Hose for Brake Systems

* * * *

(e) When no renewal application is made or when an application for renewal of certificate of approval is refused the head lamp [auxiliary driving lamp rear lamp mechanical signal device reflector or signal lamp] will become illegal for use on motor vehicles after six (6) years from date of expiration of certificate Provided however New motor vehicles will not be titled unless the lighting devices are of an approved type for which certificates of approval are in effect at the time of application for title

Section 808 Enforcement and Authority to Refuse Title or Registration

* * * *

(b) The owner or operator of any motor vehicle equipped with approved head lamps auxiliary driving lamps rear lamps or signal lamp who is notified by a peace officer that such lamps are improperly adjusted or are equipped with bulbs of a candle-power not approved for use therewith shall be allowed forty-eight (48) hours within which to adjust and equip such lamps to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official [headlight adjusting] inspection station showing that within forty-eight (48) hours after such notification the lamps have been adjusted or equipped to conform with the requirements of this act shall relieve the owner or operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the lamps have been adjusted or equipped as required in this act information for arrest shall be made

Section 15 Subsection (b) and the penalty clause of section eight hundred thirteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 813 Official Inspection Stations

(b) If the secretary finds that the provisions of this act are not being complied with or that the business of an official inspection station in connection with the corrections adjustments repairs or inspection of motor vehicles trailers or semi-trailers is being improperly conducted he [may] shall suspend the certificate of appointment of any such station and require the immediate surrender and return of the certificate of appointment together with all department forms Provided however That if the servant or employe of any such inspection station shall without the authorization knowledge or consent of his employer violate any of the provisions of this act in reference to the inspection of vehicles such violation or violations shall not be the cause of the suspension of the certificate of appointment as herein provided but such employe shall be subject to prosecution as hereinafter

provided Any person whose certificate or appointment is suspended under the provisions of this subsection may within thirty (30) days from the date thereof appeal to the court of common pleas of the county wherein such official inspection station is located and such court is hereby vested with jurisdiction and it shall be its duty to set the matter down for hearing upon thirty (30) days written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to suspension of his certificate of appointment under the provisions of this act

Penalty Any [person] owner who operates such inspection station or any manager or operator thereof or any employe thereof violating any of the provisions of this section shall upon a summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 16 Subsection (g) of section eight hundred thirteen of said act as relettered and amended by the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 813 Official Inspection Stations

* * * *

(g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to demonstrate that such vehicles conform with the provisions of this act If such demonstration discloses the necessity for corrections adjustments or repairs to such vehicle the owner shall be notified that unless a certificate issued or executed by a representative of an official inspection station is submitted within five (5) days to the peace officer indicating that the necessary corrections adjustments or repairs have been made information for the arrest of the owner or operator will be made for the specific violation or violations of this act noted at the time of [modification] notification Provided That when service and emergency brakes applied simultaneously will not stop a motor vehicle trailer or semi-trailer within distance defined in this act or hold a motor vehicle trailer or semi-trailer on a descending grade not exceeding ten (10) per centum or when the lighting equipment is glaring or insufficient or not in operation or is not equipped with a mirror or windshield wiper as defined and required in this act the owner or operator may be required to correct the faulty condition before being permitted to proceed with the vehicle and may be prosecuted for the specific violation of this act

Section 17 Section eight hundred sixteen and one-tenth of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 816.1 Safety Glass

(a) The term "safety glass" as used in this section shall be construed to mean any glass or transparent product approved by the Department of Revenue manufactured or fabricated in such manner as substantially to prevent shattering and flying of the glass or transparent product when struck or broken

(b) It shall be unlawful on and after the first day of January one thousand nine hundred and thirty-four to operate on any public highway or street in this Commonwealth a motor vehicle manufactured or [assembled] reconstructed after said date designed or used for the purpose of carrying passengers for hire or as a public conveyance to transport school children or others unless such vehicle be equipped with safety glass whenever glass is used in doors windows or wind-shields

(c) It shall be unlawful on and after the first day of January one thousand nine hundred and thirty-five to operate on any public highway or street in this Commonwealth any motor vehicle manufactured or [assembled] reconstructed after said date unless such vehicle be equipped with safety glass whenever glass is used in doors windows or windshields

(d) It shall be unlawful on and after January first one thousand nine hundred thirty-eight to operate on any public highway or street in this Commonwealth any trailer or semi-trailer manufactured or [assembled] reconstructed after said date unless such trailer or semi-trailer is equipped with safety glass whenever glass is used in doors windows or windshields

(e) The secretary shall maintain a list of types of safety glass approved by him as conforming to the specifications and requirements for safety glass as set forth in this section and shall not issue a license for or relicense any motor vehicle subject to the provisions of subsections (b) or (c) of this section after the effective date of each subsection unless said motor vehicle is equipped as therein provided with such approved type of safety glass

(f) It shall be unlawful to operate any vehicle on any public highway or street in this Commonwealth unless such vehicle be equipped with safety glass whenever the glass used in the doors windows or windshields is replaced after the effective date of this act

Penalty The owner or operator of any motor vehicle operated in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default thereof shall undergo imprisonment for not more than ten (10) days

In case of the violation of this act by any common carrier or person operating under a certificate of public convenience issued by the Public Utility Commission such certificate shall be revoked or in the discretion of the commission suspended until the provisions of this section are satisfactorily complied with

Section 18 Section eight hundred twenty-two of said act is hereby amended to read as follows

Section 822 Transportation of Explosives It shall be unlawful to transport by vehicle percussion caps with any type of explosives Vehicles when used for transporting explosives over the highways must be marked or placarded on both sides and the rear with the word "Explosives" in letters not less than three (3) inches high or conspicuously display on the rear of vehicle a red flag not less than twenty-four (24) inches square marked with the word "Danger" in white letters six inches high

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 19 Section eight hundred twenty-two and one-tenth of said act which was added by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby repealed absolutely

Section 20 Section eight hundred twenty-three subsection (a) of section eight hundred twenty-four and sections eight hundred twenty-five and eight hundred twenty-eight of said act which were amended by the act approved the twenty-ninth day of June one thousasnd nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 823 Official Inspections

(a) On and after the first day of every May and until and including the thirty-first (31) day of July and on and after the first day of every November and until and including the thirty-first (31) day of January every owner of a motor vehicle trailer or semi-trailer being operated in this Commonwealth except trailers or semi-trailers having a chassis and body weight of less than one thousand (1000) pounds motorcycles and bicycles with motor attached shall submit such motor vehicle trailer or semi-trailer to such inspection of its mechanism and equipment as may be designated by the secretary Provided however That motor vehicles trailers and semi-trailers determined by the department to be exempt from registration under the provisions of section four hundred one subsection (d) of this act if operated on the public highways

of this Commonwealth only during the period between sunrise and sunset shall be exempt from the lighting equipment provisions of this act

(b) If such inspections disclose the necessity for adjustments corrections or repairs in order to bring the motor vehicle trailer or semi-trailer in conformance with the provisions of this act it shall be compulsory upon the owner to have such adjustments corrections or repairs made within the periods required in this act

(c) The secretary is hereby authorized to designate furnish instructions to supervise and issue inspection certificates to and collect the fees therefor from the official inspection stations as provided in this act for the purpose of such inspections

(d) Such official inspection stations when duly authorized shall issue official certificates of inspection for every motor vehicle trailer or semi-trailer so inspected on a form furnished by the department but no such certificates of inspection shall be issued or displayed on any motor vehicle trailer or semi-trailer or by the owner or operator of any motor vehicle trailer or semi-trailer until and unless the motor vehicle trailer or semi-trailer for which it is issued has been brought into conformance with the requirements of this act

(e) It shall be the duty of such designated official inspection stations to report all such inspections to the secretary on forms furnished by the department and in the event of refusal on the part of any owner or operator to have the necessary adjustments corrections and repairs made the secretary after investigation may invoke the provisions of this act relative to vehicles unsafe or unfit for operation

(f) If the secretary finds that the provisions of this act or the directions of the secretary are not being complied with or that the business of such stations in connection with such inspections is being improperly conducted he may suspend the designation of any such stations

(g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to display an official certificate or other satisfactory proof of inspection for the motor vehicle trailer or semi-trailer being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle trailer or semi-trailer or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle trailer or semi-trailer conforms to the provisions of this act

(h) It shall be unlawful to operate any motor vehicle trailer or semi-trailer on a highway (1) during an inspection period unless the motor vehicle trailer or semi-trailer has been inspected during the present or [previous] last preceding inspection period and (2) after the close of any inspection period unless it has been inspected during the last preceding inspection period and (3) a certificate for the proper period furnished and displayed [or other satisfactory proof of inspection furnished]

(i) The secretary is hereby authorized and required to issue a certificate of school bus inspection for every vehicle owned by or used under contract with any school or school district which conforms with the provisions of this act and with the regulations of the State Council of Education of Pennsylvania Such certificate shall bear the approval of and be counter-signed by the Commissione or the Pennsylvania Motor Police

(j) The owner of every vehicle which is to be used for the transportation of school children shall in addition to any other inspection required by this act submit such vehicle to the [Highway Patrol] Pennsylvania Motor Police some time during every August or prior to operating such vehicle for the transportation of school children during the school year to determine whether such vehicle conforms with the provisions of this act and the regulations of the State Council of Education of Pennsylvania

(k) No vehicle required to obtain a certificate of inspection under the provisions of subsection (j) of this section shall be operated without prominently displaying such certificate as may be directed by the secretary in addition to any other certificate now or hereafter required by law on any of the highways of this Commonwealth

Penalty Any person violating any of the provisions of subsections (d) (e) (g) (h) [(i)] (j) or (k) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial vehicle or combination of vehicles having a gross weight of eleven thousand (11,000) pounds or more and every trailer or semi-trailer designed for the living quarters or carriage of persons shall be equipped with at least three (3) red flags of dimensions not less than twelve by twelve (12 x 12) inches and a sufficient number of flares not less than three (3) or electric lanterns electric flashing signals or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours Provided however That the provisions of this section shall not apply to vehicles within the confines of a municipality or within a business or residence district

Every such flare lantern electric flashing signal or other signal shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

* * * *

Section 825 Unlawful to Operate Certain Trailers or Semi-Trailers Unless Equipped with Fire Extinguisher It shall be unlawful for any person to operate on the highways of this Commonwealth a vehicle towing a trailer or semi-trailer designed for the living quarters or carriage of persons or to operate any commercial motor vehicle engaged in transportation of inflammable liquids inflammable or combustible chemicals explosives or cargoes of a combustible nature unless such trailer [or] semi-trailer or commercial vehicle be equipped with at least one (1) fire extinguisher of approved type in good condition and ready for use [of a type inspected and labeled by the Underwriter's Laboratories Incorporated under Classification "B" and utilizing] which utilizes an extinguishing agent which does not need protection from freezing Such fire extinguisher shall not be smaller than one (1) quart if the carbon tetrachloride type is used and not smaller than two (2) pounds if the carbon dioxide type is used

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 828 School Buses Safety Requirements (a) "School Bus" for the purpose of this section is any vehicle registered as a commercial vehicle motor-bus or motor omnibus or any vehicle having a lineal seating space including the space for the operator of more than one hundred (100) inches and owned by or used under contract with any school or school district for the transportation of school children Provided That said school bus shall not include motor buses operated by common carrier holding a certificate of the Public Utility Commission who also operate such motor buses over routes approved by such commission And provided further That such buses comply with the safety regulations of that commission and the State Council of Education of Pennsylvania

(b) No person shall own or operate a school bus carrying school children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

(1) The body of the vehicle shall be of all metal construction and of the closed type and shall provide only one compartment for the operator and school children

(2) The exhaust system shall be so constructed that exhaust gases will be kept out of the body of the school bus and adequate ventilation shall be provided in all school buses

(3) There shall be an entrance door located to the right of the operator and at all times controlled only by such operator The door shall be at least twenty-four

(24) inches wide and shall be [of the jack-knife or safety-split type and shall have hand rails on its side] an approved safety type with suitable hand rails

(4) There shall be an emergency exit door in the rear or on the left side near the rear of the vehicle equipped with an emergency lock operated from the inside of the vehicle which may be quickly released and which shall be protected against accidental release The emergency exit door shall open outwards and shall be at least [twenty-two (22)] twenty (20) inches wide and shall be labeled in black letters at least three (3) inches high on both the outside and inside "Emergency Door"

(5) All windows shall be so constructed and installed that they shall readily slide up and down only except that the windows in the rear of the bus shall be stationary All side windows in the bus shall be provided with removable heavy wire mesh or other removable guard of a sufficient height to prevent the extension of hands

(6) There shall be at least [twelve (12) inches of seating space provided for each elementary school child carried and at least fourteen (14)] thirteen (13) inches of seating space provided for each [high] school child carried And there shall be a measurement of at least twelve (12) inches from the front of every seat to the back of the seat next to the rear All seats shall have spring cushions and all back rests shall be well padded and shall be securely fastened to the bus There shall be no longitudinal seats opposite to and facing each other within a distance of eighteen (18) inches and in all new buses purchased after the effective date of this act there shall be no longitudinal seats

(7) Every school bus shall be of a uniform color which shall be orange and every such bus shall be labeled both in the front and in the rear with black letters not less than six (6) inches in height with the words "School Bus" showing to the outside

(8) Every school bus shall be equipped with at least one (1) fire extinguisher of approved type in good condition and ready for use as prescribed by the secretary [which] and shall be so placed that it can be readily reached from the operator's seat

Provided that nothing contained in this section shall make unlawful the use before August first one thousand nine hundred forty-two of any vehicle as a school bus for the transportation of school children if such vehicle was used in this Commonwealth under contract with any school or school district for the transportation of school children before the effective date of this [act] section

The secretary shall have the authority to make regulations not inconsistent with this act for the efficient administration of this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than ten ($10) dollars and not more than twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not less than five (5) days and not more than ten (10) days

The twenty-first section was read as follows:

Section 21 Article eight of said act is hereby amended by adding thereto after section eight hundred twenty-eight which was added by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) two new sections to read as follows

Section 829 Requirements as to Condition of Tires (a) It shall be unlawful for any person to operate any vehicle or combination of vehicles upon the highways of this Commonwealth with tires or a tire showing breaker strip cushion gum or fabric

(b) The owner or operator of any vehicle who is notified by a peace officer that his tires or tire does not conform with the requirements of this act or are unsafe or unfit or in need of correction adjustment or repairs shall be allowed forty-eight (48) hours within which to adjust repair or replace such tires or tire to conform with the requirements of this act The submission of a certificate to such peace officer issued or executed by an official inspection station or by a reliable tire dealer showing that within forty-eight (48) hours after such notification the tires or tire have been corrected adjusted repaired or replaced as required in this act shall relieve the owner or operator from arrest or prosecution Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the tires have been corrected adjusted or repaired as required in this act information for arrest will be made

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 830 Transportation of New and Used Automobiles

(a) No person shall operate a vehicle over the highways of this Commonwealth carrying any other vehicle the weight of which is directly above the cab of the carrier vehicle or directly over the head of the operator of such carrier vehicle

(b) No person shall operate a vehicle on the highways of this Commonwealth engaged in the transportation of new or used automobiles until such vehicle has been submitted to an agency of the Commonwealth designated by the Secretary of Revenue for the purpose of mechanical inspection and approval at such reasonable intervals throughout the registration year as the Secretary of Revenue may provide

(c) Vehicles being transported on other vehicles over the highways of this Commonwealth shall be substantially secured to the carrier vehicle with at least two chains bolts or other approved device and shall have the hand brake of the carried vehicle set

Penalty Any person violating any provision of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of $25.00 and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five days

Sub-section (a) shall be effective January 1 1942 Sub-sections (b) and (c) shall be effective upon the approval of this Act

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 21, line 27, page 47, by striking out the brackets before and after the words "a new section."

Amend Section 21, line 27, page 47, by striking out the words "two new sections."

Amend Section 21, page 49 by striking out lines 1 to 28 inclusive.

On the question,

Will the House agree to the amendments?

Mr. TROUT. Mr. Speaker, in addition to the amendments offered by the gentleman from Allegheny, Mr. Fleming, there are other amendments to other sections. I would ask, Mr. Speaker, that all of the amendments offered by the gentleman from Allegheny be considered at one time, for the reason, that in the bill as presented to the House, if I may explain, Section 1033, as contained in the Motor Code of 1937, has been repealed. The committee presented in lieu thereof a modification in Section 830 on page 49 of the present bill. The amendments as presented by the gentleman from Allegheny, Mr. Fleming, amend Section 830 on page 49 of the bill and reinstate Section 1033. This applies to the transportation of motor vehicles by transports, and therefore to act upon the matter intelligently and properly I think, Mr. Speaker and members of the House, all the amendments should be voted upon at one and the same time.

The Committee considered this matter for a long time and presented this Section 830 on page 49. The Fleming amendment as I said reinstates Section 1033, effective January 1, 1940.

The Section as introduced, 830 on page 49, Section A, reads:

"No person shall operate a vehicle over the highways of this Commonwealth carrying any other vehicle"—

The SPEAKER. Will the gentleman yield? The Chair understands that the gentleman is asking that all amendments be considered at one time.

Mr. TROUT. That is right, Mr. Speaker, all the Fleming amendments.

The SPEAKER. The Chair feels that there will be no objection to debating all of these amendments at one time. However, it is impossible to submit all of the amendments to a vote at one time because of technical difficulties at the desk. If all the amendments apply to one subject the Chair would presume, if the original amendment is not agreed to, the sponsor will withdraw the rest of them.

Mr. TROUT. Mr. Speaker, that is perfectly satisfactory to me. The only thing I had in mind was to make an explanation of what the gentleman from Allegheny had in mind in the series of amendments he presented.

The SPEAKER. The Chair will have the clerk read all the amendments submitted by the gentleman from Allegheny, with the exception of the amendments to the title.

Debate will be permitted on all the amendments. We are on Section 21, and the Chair will inquire of the gentleman from Lancaster, Mr. Trout, whether he will yield to Mr. Fleming, the sponsor of the amendments.

Mr. TROUT. I will, Mr. Speaker.

Mr. FLEMING. Mr. Speaker and members of the House, I would like to ask support of the members of the House for these amendments.

My amendments do only one thing. House Bill No. 1423 as presented to the House would repeal Section 1033 of the Vehicle Code. To those of you who are not familiar with Section 1033, it provides that the carriers of automobiles on double deckers shall be forbidden the use of the highways. The Committee reported the bill out and I would say, not in its entirety, but generally it is very good. They have inserted an amendment which would take Section 1033 out of the law. In other words, we are going to open up our highways again to these double deckers. I submit to the members of the House if we were to make a house to house canvas throughout the state of Pennsylvania ninety percent of the people would say it is a good thing that the double deckers be taken off the highways. For that reason I have submitted these amendments which would keep Section 1033 in the Vehicle Code. I do not want to take up your time but I ask you to support my amendments and keep the law as it is now in regard to Section 1033.

Mr. TROUT. Mr. Speaker, House Bill No. 1423 as now presented has the unanimous accord of the Committee on Motor Vehicles, after three months' of study, and we ask that the members support the bill as submitted to the House and vote down the amendments.

I now yield the floor to the gentleman from Delaware, Mr. Curran.

Mr. CURRAN. Mr. Speaker, I should like to interrogate the gentleman from Allegheny, Mr. Fleming.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. Speaker.

Mr. CURRAN. Mr. Speaker, will the gentleman from Allegheny state whether his amendments as drawn effectively reinstate the provisions of Section 1033 in the present law?

Mr. FLEMING. I would say they do, Mr. Speaker.

Mr. CURRAN. Mr. Speaker, will the gentleman state whether Section 830 as amended, would effectively drive off of the highways as of January 1, 1940, those vehicles which are now engaged in the transportation of motor vehicles over the highways.

Mr. FLEMING. Yes, Mr. Speaker, I would say Section 1033 certainly would.

Mr. CURRAN. Mr. Speaker, will the gentleman state whether Section 830 as amended or as suggested to be amended by his amendments, would have the same effect as Section 1033?

Mr. FLEMING. Mr. Speaker, I have not suggested Section 830. I am not in favor of it.

Mr. CURRAN. Mr. Speaker, the gentleman still does not answer the specific question as to whether the effect of his amendments would, for all practical purposes, drive off the highways by January 1, 1940, those vehicles which are now engaged in the transportation of automobiles.

Mr. FLEMING. Mr. Speaker, I don't want to prolong this, but I would say that I am very much interested in the safety feature of Section 1033, and also that public opinion is predominantly in favor of the retention of that Section. That is the only reason I am submitting the amendments. I am in no way connected with the industry and they are not the amendments of any industry; they are my own personal amendments.

Mr. CURRAN. Mr. Speaker, does the gentleman know that the Committee of which Mr. Trout is Chairman has studied this problem during the last two months and that House Bill No. 1423 represents the unanimous decision of the entire Committee so far as the regulation of this particular type of vehicle is concerned?

Mr. FLEMING. Mr. Speaker, I recognize the fact that they have done a very fine job. House Bill No. 1423 has some very, very excellent features in it. The only objection I have to the entire bill is to this one section which I would draw to the attention of the members of the House and ask them to use their own imagination.

Mr. CURRAN. Mr. Speaker, I must respectfully ask that the gentleman from Allegheny answer the question specifically.

Mr. FLEMING. Mr. Speaker, I think with the exception of this section that I am attempting to amend, they have done a very fine job.

Mr. CURRAN. Mr. Speaker, is the gentleman familiar with the evidence that was called to the attention of the Committee on Motor Vehicles regarding the safety feature which he refers to?

Mr. FLEMING. Mr. Speaker, I cannot be familiar with all of it, no sir.

Mr. CURRAN. Which are now included in the regulatory section 830?

Mr. FLEMING. Mr. Speaker, the only answer I can give is that I do not have at my command the information which has been given to the Committee.

Mr. CURRAN. Is the gentleman then attempting to state to the members of this House that we should take his opinion regarding the safety features, despite the fact that he has no reasons to present, and has no information regarding the matters which were called to the attention of the Committee, as a result of which the bill was prepared?

Mr. FLEMING. Mr. Speaker, I am respectfully asking the members of the House to support my amendments, yes, sir.

Mr. CURRAN. Mr. Speaker, I think it is very clear to the members of the House that if we concur in the amendments offered by the gentleman from Allegheny, we effectively destroy the very purpose of this bill as prepared by the Committee on Motor Vehicles.

It is very seldom, Mr. Speaker, that I have arisen during this session to talk on a particular subject, but I feel certain if Mr. Fleming's amendments are concurred in, murder will be committed by the members of this Legislature today. Perhaps I should not call it murder although it is willful, premeditated and deliberate. Rather I should say it comes under the category of assassination, because some three thousand five hundred men who are now employed in the operation of these carriers will be driven out of work January 1, 1940. Not only will these men be driven out of work but all of this equipment will be junked. The small men who have practically all of their money invested in this equipment in every section of the state of Pennsylvania, have called to the attention of our Committee facts and figures, as the result of which the regulatory provision was inserted in this bill giving the Department full rights to limit the type and kind of carrier that shall be used in this business. In my district alone there are one hundred and forty men who are employed by a company engaged in this business with a payroll of a million dollars a year, which company is paying into the State Treasury taxes approximating three hundred thousand dollars a year. Now, that business, as well as all the other men throughout the state of Pennsylvania who are engaged in the same business will be driven off the highways if these amendments are concurred in, and I would therefore expressly ask the members of the House to vote "no" on the amendments offered by Mr. Fleming.

Mr. KANE. Mr. Speaker and members of the House, it is with the greatest regret that I take issue with the two gentlemen who have just spoken on behalf of this bill. It is with a good deal of pleasure, however, that I rise to support the amendments offered by the gentleman from Allegheny, Mr. Fleming.

You don't need to have anybody present an argument to you in favor of these amendments, all you need to do is to take a trip in your own car on a busy afternoon, on a sunny day on any main highway in Pennsylvania. I am glad that one particular operator paid three hundred thousand dollars to the state of Pennsylvania, because they on one or two occasions have exacted a part of that money from me in the form of repaired fenders, which cost me eighty-six dollars and made me miss one session of the Legislature this winter.

There will be other amendments offered by Representative Holland and myself which deal with these and other commercial vehicles which we will take up a little later. I want to say it is a case of pitting the rights of the Sunday drivers, the poor little fellows who work all week in a factory and want to get out in their little cars and take their wives for a drive in the afternoon, against big industry that pays three hundred thousand dollars in taxes. Those people who have a big financial interest at stake, they protest vigorously and they send wires and send letters and prepare statistics. The thing you want to consider today is whether your wives and children, you and your neighbors, are safe on the highways of Pennsylvania with these modern battle-cruisers driving recklessly down the road for which you are paying. Is it really a regulation of interstate commerce in the interest of public safety and is done in many another state. One of the reasons why part of this investment would have to be considered as wasted is because a good many other states won't tolerate this sort of thing and they can't sell this equipment so easily.

As to the question raised as to unemployment, let me say this: you probably have had the experience, or some of your neighbors and friends who did not have jobs went out to Detroit and brought cars back which necessitated the employment of possibly five times as many men to drive those cars in. Where is the end of this sort of thing, if you are going to allow bigger and bigger carriers to operate over the highways for which you pay? The final end of it will be that you and your wives and your friends and your children won't be able to use the roads for which you are paying.

Mr. Speaker and members of the House, this is a good bill with the exception of this particular abolition of Section 1033, I believe the number is, and also the Holland amendments about which you will doubtless hear later should be adopted. It is time for the people of Pennsylvania to stand up and assert themselves and see that these modern battle-cruisers are kept off the highways on Sunday. I therefore ask every member of the House to support these amendments.

Mr. DENMAN. Mr. Speaker and members of the House, I rise in support of the amendments offered by the gentleman from Allegheny, Mr. Fleming.

One of the arguments advanced by the gentleman from Delaware, Mr. Curran, is that these carriers pay three hundred thousand dollars in taxes to the Commonwealth of Pennsylvania. I wonder just exactly how much the railroads lose and how much the Commonwealth loses in taxes from the railroads because these truckers pay three hundred thousand dollars. For four or five months in the House and Senate we have been talking about unemployment and about lack of funds. Compared with the amount of money the railroads pay in taxes to this Commonwealth the three hundred thousand dollars which the truckers pay is just a drop in the bucket. If we are going to continue to let these trucks carry goods that the railroads by all right ought to carry, not only because they are equipped to handle motor cars, but in the interest of public safety, then we are going to drive from the Commonwealth one of the greatest revenue features we have. The railroads in the state are all equipped to handle this type of transportation. In the last ten years, the Baltimore and Ohio railroad has equipped fifteen hundred freight cars to carry automobiles; the New York Central railroad has equipped five thousand freight cars, the Pennsylvania railroad has equipped two thousand five hundred cars to handle automobiles. Many of these cars in fact most of them, are now lying on sidings because their legitimate business is being stolen from them by these truckers. Some

of the members who have spoken and who are interested in these particular amendments live in compartively level country in Pennsylvania. We who live in the high mountainous districts know just what these things mean. During this session of the Legislature I have traveled back and forth by car to my home in Latrobe and I see roads upon which even an automobile can hardly maintain traction. The trucks carrying other automobiles will swing around curves at a high rate of speed and it is a wonder they do not upset upon cars coming up the other side of the mountain. It has been our practice in traveling back forth over the highways when we see one of these things coming to pull off the road as far as possible and give it the right of way, because they are tractor and trailer trucks, namely two-piece vehicles which buckle in the middle. This year at Laurel Ridge one of these trucks upset and we almost crashed into it going down the hill at night. As a general rule, especially on days when the highways are crowded with pleasure cars, we must drive these things from the highways. We who live in the mountainous region have the experience that when we go up the mountain, it is difficult even with an old model "T" to keep behind one of them; we are really traveling at a speed of half, or a mile an hour.

As a matter of public safety, as a matter of increased revenue to this Commonwealth by additional taxes from the railroads when they increase their transportation, and as a matter of helping the railroad industry to recuperate from its present delapidated condition, I ask the members of this House to support the amendments offered by the gentleman from Allegheny, Mr. Fleming.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, I rise to support the amendments offered by Mr. Fleming.

I don't want to argue the carriers' side or the railroads' side, I am interssted in safety. One of the bills we passed in the 1937 session of the Legislature had to do with the regulation of motor vehicles generally, and together with that bill the then Governor inaugurated a safety campaign. I can briefly summarize the result of that safety campaign by saying it has put Pennsylvania in the forefront among the states of the nation in the increase of safety to pedestrians and motorists on the highways. It has furthur resulted in the lowering of insurance rates in Pennsylvania, bcause of the decrease of accidents on the highways. It has also resulted in the fact that persons on the highways have the knowledge that safety is being looked after by a watchful police force, that is doing a real job in policing the highways.

An integral part of that campaign was the question of keeping certain types of vehicles off the highways, but it was thought at that time that it would be unfair to invested capital to tell them they would have to take their equipment off immediately. It was thought best then to tell them that within two years they would have to take off their equipment in order that they would not invest more money, because after that period of time it would not be permitted on the highways of Pennsylvania. That law has been attacked in the Dauphin County Courts, and that Court has determined recently that the bill is constitutional, and incidentally is expected that that bill will be argued here in Harrisburg before the Supreme Court next month.

The James administration has said that the safety campaign inaugurated by the last administration was a good one, and none of the regulations has been changed because that campaign was a good campaign and brought good results.

I ask, Mr. Speaker and members of the House, that we support the amendments offered by Mr. Fleming and keep this campaign going. If we listen to what some of the experts on road safety have to tell us, those men who have studied this question very carefully, they say that the campaign should be continued, that the regulation of the highways should be continued as it has gone forward for two years. I say, Mr. Speaker and members of the House, we should support these amendments and keep these highways as safe as they have been in the past and God give us the power to keep them safe in the future.

Mr. SWEENEY. Mr. Speaker and members of the House, let us not be confused by the amendments offered by the gentleman from Allegheny, Mr. Fleming. There have been a number of speakers who debated pro and con on these amendments, but until Mr. Denman got up to talk no one knew the real reason behind them. After hearing Mr. Denman I think the reason is very obvious why he feels these amendments ought to be inserted, and that is because we are here to legislate not only for the poor, common people of the Commonwealth of Pennsylvania who go out to take a ride once in a while, but we are here to legislate so that the railroads can meet the competition of the independent truckers and go back into the business of hauling new cars. There is no question but that is the only reason for these amendments.

Mr. Trout and the other members of this Committee I believe would be willing to give this House, if they want to hear them, the figures on safety. Mr. Kane stated that he was in an accident and that is why he wants these amendments inserted. He stated that one of these trucks cost him eighty-six dollars worth of damage, and being a lawyer, if it wasn't his fault, he would know how to collect that eighty-six dollars. There has been a lot of talk, but I say to you Committees are appointed in this House to study bills or study one feature; we can't all study all features of all bills. This Committee has made a study of this bill. In 1936 they had a bill and we had a public hearing at which members were present and introduced figures on safety. Instead of the members of this House getting up on this floor and saying it is unsafe, why don't they give us some facts and figures. This Committee had those facts and figures before them and they are convinced that these trucks and trailers are safe, and I think after the Committee has gone to that much trouble this House should be bound by their recommendation. I therefore ask that these amendments be voted down.

Mr. ANDREWS. Mr. Speaker and members of the House, the gentleman from Philadelphia stated that there is a desire somewhere to legislate in the interest of the railroads. Well, Mr. Speaker, why not? Why not legislate in the interests of the railroads? I rather imagine if we would contribute to the railroads a free right of way, if we would maintain a free right of way for the railroads, they would be able to compete with the truckers in transportation. The state of Pennsylvania in its generosity, like other states, has been subsidizing the truck industry for the last twenty years.

The gentleman from Delaware talked about the poor investor who had all his money invested in a trucking ven-

ture, and then he told us about the company in his district with a million dollar payroll. The trouble is, members of the House, that these truckers or trucking concerns who are on the road have a privilege and they are endeavoring, and so far have succeeded in convincing the legislatures, that that privilege is a special interest, a vested interest. It is always to be remembered that freight, particularly freight in inter-state commerce, is on our highways as a privilege and not as a vested interest. I rather imagine that the fifteen hundred or three thousand truckers who might lose their jobs and who work on trucks, so long as they doze at the wheel, might as well lose them if three thousand men were employed upon the railroads. You can't pass any laws but what someone is thrown out of employment, but if we add to one thing as we lose on another, we lose nothing.

The question of safety should be decided on the basis of individual experience. Everyone who has tried to pass one of these traveling caravans when it started weaving on the tail end, can answer all the questions about safety, and I for one accept the challenge of the gentleman from Philadelphia when he says that the cat is out of the bag. Some people on this floor are interested in railroads. I admit that I am and I hope that there are other members of this Legislature who are equally interested in the railroads.

Mr. SEIF. Mr. Speaker, ladies and gentlemen of the House, I do not rise to offer opposition to any of these amendments, but in order to keep the record straight.

I want to say as a member of the Motor Vehicle Committee I was not one of the members who asked that this bill be reported out with Section 1033 amended. It may have been my own fault, I am not blaming the Committee or any members of the Committee. I perhaps did not attend the meetings as religiously as I might have, but it was the unanimous opinion of the Committee that this section should be modified, and that was the unanimous opinion at the time these amendments were being deliberated.

I know there are any number of motorists having some connection with automobile clubs who do not desire to see these dreadnaughts, as Mr. Kane so aptly described them, on the highways. As stated by Mr. Cohen of Philadelphia, these men have had two years' warning that this act would become effective on January 1, 1940, therefore it seems to me we should not sympathize with these people when they have had their warning.

I know how I am going to vote, and I won't ask any of the members to oppose the amendments or vote for them. I merely want the record straight. I want to state that the Committee has done a very good job in every way, and I am not criticizing them. I merely want it known that is was the unanimous opinion of the Committee that this section should be deleted from the general act of assembly.

QUESTION OF PERSONAL PRIVILEGE

Mr. KANE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. A question of personal privilege is not in order at this time.

Mr. KANE. Then, Mr. Speaker, I would ask leave to speak on these amendments.

The SPEAKER. The gentleman will proceed.

Mr. KANE. Mr. Speaker and members of the House, I was going to answer the allegation of the gentleman from Philadelphia to the effect that the reason I was interested in these amendments was because of the fact that I was involved in an accident with one of these trucks and it must have been my fault, otherwise I might have been able to collect.

Let me say to the members of the House that since the details of this accident tend to be interesting I will tell them to you. I was coming down to Harrisburg one evening for the session. It happened to be a very snowy day. I was driving a brand new car that I had just given to my wife. I came up alongside one of these motor carriers, about a hundred feet long and about thirty feet high, at least that is the way it looked to me. As I was about to pass the vehicle, it pulled over, without any rhyme or reason, to the middle of the road and shoved me and my passengers into one of the guard rails along the Susquehanna River, badly damaging the two left wheels and the two left fenders. The reason I didn't get his number was because there was plenty of snow. I don't know what all of the people that look out for these things were doing. He certainly was going plenty fast because I was going about forty-five miles an hour myself and he was going faster apparently than I could catch up with him. The car was smashed up badly and it was absolutely impossible for us to get the number of the vehicle to find out who was driving it and to whom it belonged or anything else. He made no endeavor to stop. He pulled off to the right side of the road so that he had an opportunity to look into the mirror, and apparently after satisfying himself that I was in no position to follow him, he pulled back into the road and sped away. Since the allegation has been made that it must have been my fault, let me say this to you, had I been able to get the number I most certainly could have collected my damages and I certainly would have made every effort to have that driver's license revoked.

Let me say to you that I am here to represent those people in my district who drive over country roads on holidays and Sundays. I do not handle any business of either the railroads or the trucking associations. I am not practicing law any longer. I am down here representing the fifty thousand people of McKean County who sent me here last session when Governor Earle was Governor. Governor Earle was the Governor and the Democratic majority put through that Motor Vehicle Code, one of the most satisfactory things in it, to my point of thinking, was the feature that took care of this particular problem. If you want to run out on your wives and your children and the numerous little drivers in your district on behalf of any big interests, I don't care whether it is a railroad or whether it is a trucking association, I don't think you will get any thanks from the people, and the first time your own wife gets her car smashed up, I think you will find you will be as strongly for these amendments as I am, and it won't be because of your ability or inability to collect.

In further defense of my position in the matter, let me say that I was for this feature two years ago before this accident had occurred. I am proud of the fact that the Democrats at that time put this feature into the law, and I will be prouder still if the Republican members show their spunk and keep it in there, regardless of the lobbyists who are endeavoring to take it out.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I rise in opposition to the amendments offered to this bill by the gentleman from Allegheny.

I was actually amused, Mr. Speaker, to hear the remarks of the gentleman from Cambria in which he raised the question as to whether or not we should legislate for the railroads as against other types of transportation. I could not help but recall, Mr. Speaker, the remarks the gentleman made yesterday, when he suggested that the opposite side of this House should go to Washington and make the acquaintance of Mr. Ickes and Mr. Hopkins. Apparently since that time the gentleman has decided to follow the advice he gave us. I presume he will be trotting to Washington to meet those gentlemen. I was amused by his remarks because he showed concern about the twenty-nine hundred men who will be losing their jobs in the event these amendments are adopted. When he is at Washington meeting these gentlemen, I presume he is going to make arrangements whereby he will make railroaders out of them, and of course after that is done there is nothing further to worry about. However, Mr. Speaker, when he faces concrete facts, he should face the fact that here are twenty-nine hundred men who are receiving a payroll in excess of two and one-half million dollars, which they are going to lose if these amendments are adopted. I doubt if those men will be employed by the railroads or in any other form of transportation. There are just going to be that many more on the relief rolls. How are we going to raise the money, in what form of taxation, in order to maintain and support them, in addition to the loss of revenue that has been mentioned? Can we afford to legislate men out of jobs to the profit of those very corporations, or the same type of corporations, that were condemned yesterday on the floor of this House?

I sympathize with the gentleman from McKean. I realize that it is very fine and very nice to be able to go along the highway and find no trucks or any other type of vehicle on the road, so that you can whizz right along enjoying the scenery, but I also realize that our highways are made for the general public. It may be inconvenient too, but certainly I do not believe we should pass any particular legislation that is going to deny to one part of our public the right to use our highways to the exclusive advantage of those who desire to be taking pleasure rides.

It is for these reasons, Mr. Speaker, that I rise in support of the bill as written and in opposition to the amendments.

Mr. FISS. Mr. Speaker and members of the House, this debate has been prolonged and I am going to be very brief but there are some few things possibly we have not touched upon.

I do not represent a trucking company or a trucking concern. I do not represent a railroad, nor am I in favor of passing legislation that will discriminate against any particular party, corporation or individual, but we must always bear in mind that every law we pass abridges the rights of some one, whether it be a corporation or an individual, so why isn't it possible to pass measures of this kind to let everyone live, not only the railroads, but those who have invested in and built up an individual business and conducted it safely?

I will admit it is a little inconvenient to pass a trailer on the highway. Yesterday, there was a soft ball game at our picnic. I was trying to watch that soft ball game but many others stood in front of me. I had to move around to get into a position where I could see the game. Just so, every one of us driving home on our highways today suffers many inconveniences, the road is not always clear for just you and me as individuals.

I want to present several more figures that might be interesting, which have not been touched on. About ninety different persons or concerns are carrying these cars today, and the investment amounts to over three million dollars. The payroll of these persons amounts to more than two and one-quarter million dollars. The gas tax that is paid into the coffers of the Pennsylvania Department of Highways amounts to approximately two hundred and fifty thousand dollars, and they pay a tax when they are home amounting to about thirty-five thousand dollars. Besides that, the money they pay out for the maintenance of their own equipment in Pennsylvania amounts to over two million dollars.

It seems to me criminal to destory an industry so long as there is room enough for all here in this great Commonwealth. I think we would be doing a great wrong to many individuals, as well as the Truckers' Associations, who have built up this business. They ought to have the right to live just as well as the railroads ought to have the right to live.

I ask the membership of this House to vote "no" on these amendments. We ought to support the Committee that has rendered faithful service. I am not a member of the Motor Vehicle Committee either, but I believe that these men have tried to make a good job; they have given it careful study and have tried to listen to every group and to everything that was presented to them. Members, I ask you to vote down these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Kane and Mr. Fleming.

Messrs. Freed, Kane and Rose asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—84.

Alspach,	Eckels,	Levy,	Rooney,
Andrews,	Finnerty,	Leydic,	Rose,
Auker,	Fisher,	Long,	Roseberry,
Baker,	Fleming,	Malloy,	Schwab,
Bardes,	Gates,	Marr,	Seif,
Bohn,	Harkins,	McClester,	Shaw,
Boney,	Haudenshield,	McLane,	Sloan,
Brunner,	Henry,	McVay,	Tarr,
Burns,	Hess,	Mihm,	Taylor,
Burris,	Hewitt,	Montgomery,	Tronzo,
Cadwalader,	Hindman,	Moran,	Van Allsburg,
Calvin,	Hoffman, S. K.,	Moser, F. S.,	Wagner,
Chervenak,	Huntley,	Munley,	Watkins,
Clark,	Jirolanio,	O'Neill,	Webster,
Cohen, R. E.,	Jones,	Preston,	Welsh, E. B.,
Cook,	Kane,	Readinger,	Welsh, M. J.,
Cooper,	Keenan,	Reese, D. P.,	Westrick,
Dalrymple,	Kenehan,	Regan,	Williams,
Denman,	Kilroy,	Rider,	Wilson,
Dick,	Kline,	Riley,	Winner,
Donahue,	Leisey,	Robertson,	Wood, L. H.,

NAYS—66.

Achterman,	Foor,	Melchiorre,	Sollenberger,
Ackermann,	Freed,	Mooney,	Stambaugh,
Balthaser,	Fullerton,	Muir,	Stewart,
Bennett,	Gillette,	O'Dare,	Stockham,
Boose,	Habbyshaw,	Peacock,	Sweeney,
Bretherick,	Haines,	Powers,	Thistle,
Broad,	Hall,	Reagan,	Thompson, G. R.,
Bronson,	Harbeson,	Rothenberger,	Tiemann,
Brown, S. W.,	Hocke,	Royer,	Trout,
Carpenter,	James,	Sarge,	Voorhees,
Check,	Johnston,	Sarraf,	Weiss,
Clearwater,	Knoble,	Schrock,	Wood, H. M.,
Cordier,	Lee,	Serrill,	Wood, N.,
Curran,	Lichtenwalter,	Shearer,	Woodside,
DeNote,	Lovett,	Simons,	Yeakel,
Ewing,	Matthews,	Snyder,	Turner,
Fiss,	McKinney,		Speaker.

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,

Will the House agree to the section?

Messrs. HOLLAND and KANE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 21, page 47, line 27, by striking out the word: "two" and inserting in lieu thereof: "a"

Amend Sec. 21, page 47, lines 27 and 28, by striking out the word: "sections" and inserting in lieu thereof "section"

Amend Sec. 21 (Sec. 830), page 49, lines 1 to 28, both inclusive by striking out: all of said lines

On the question,

Will the House agree to the amendments?

Mr. HOLLAND. Mr. Speaker and members of the House, I don't think anyone is going to accuse me of being for the railroads or for the utilities. However, the amendments I have offered are amendments which have been adopted in twenty-two states. There was a report made to this House of accidents occuring on Sundays due to motor trucks. I want to publicly announce and state that this report was made with the help of the Pennsylvania Motor Association, because the Pennsylvania Motor Association had on three different occasions gone over this report before it was given to the House. When they tried to put into this report accidents that the report stated had occurred due to the fact that trucks had obstructed the view of motorists, the Pennsylvania Motor Association objected to the inclusion, and this report only sets forth accidents where motor trucks were involved, and not accidents of motorists trying to pass these large trucks on the highways on Sundays.

I feel that Sunday at least should be a day of rest. There is no reason why these trucks should continue on Sunday and practically put off the highways the people of Pennsylvania who take their families out to see nature and to get some fresh air. If any of you has traveled between Pittsburgh and Harrisburg on a Sunday on Route 22, you many times will see lines of cars one and two miles long behind these large trucks going up hill, and then try to pass them when they are going downhill. I feel that the highways of Pennsylvania should be for the use of the people of Pennsylvania, they should be enjoyed by the people of Pennsylvania, and the only way we can permit Pennsylvanians to see Pennsylvania scenery is to make our highways safe so that on Sunday we who live in the congested districts can take our families and go out and see nature, see the scenery of Pennsylvania and appreciate the state in which we live, without endangering our lives by the many trucks which are coming here from other states.

All this amendment does is to take the heavy trucks off certain highways. They are permitted to proceed over routes designated by the Pennsylvania Motor Police. It is not a hardship on these trucks. I might add that Ohio, Michigan and New York now have passed similar legislation, and if we do not pass legislation all these trucks will be breaking their necks to use Pennsylvania highways on Sundays.

I am going to ask the members of this House to support this amendment because it is an amendment that the people of Pennsylvania demand as indicated in editorials in many newspapers throughout the State.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, to be very brief, I feel that legislation of this kind is good and we should support it. I want to state only my personal observation: in one part of Pennsylvania during the summer season, the Pennsylvania Motor Police, as a matter of caution and safety, have assumed the right on Routes 209 and 611 to the Delaware Water Gap region on Sunday, where traffic is especially heavy, to stop heavily laden vehicles, put them on the side of the road, line them up and not permit any more than one to approximately every fifty pleasure vehicles to go over that narrow piece of road. I think we ought to back up the Motor Police in their effort to properly police the highways of Pennsylvania by giving them unquestioned authority so that their splendid police work cannot be questioned by over-zealous freight truckers.

Mr. ELY. Mr. Speaker, I desire to interrogate the sponsor of these amendments.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HOLLAND. I shall, Mr. Speaker.

Mr. ELY. Mr. Speaker, I would like to ask the gentleman if these amendments would keep milk trucks off the roads on Sundays and holidays.

Mr. HOLLAND. They will not, Mr. Speaker. They will keep no trucks off the highways. The only thing this amendment does is to specify certain routes that they can use, not the main routes that are used by the motorists. It will not take any trucks off the highways. It will merely make them use by-passes.

Mr. ELY. Mr. Speaker and members of the House, I would like to say in considering amendments of this type we must be very careful that they do not put our milk trucks off the roads. We must realize that milk is a commodity which we must drive to market every day, regardless of whether it is Sunday or whether it is a holiday. If these amendments provide for this class of transportation, I have nothing more to offer, but we must be very careful that that is not legislated against.

Mr. HARKINS. Mr. Speaker and members of the House, I rise to support these amendments. As I do so I recall a certain evening in the House of Representatives in 1935. Those of you who were here then possibly will recall the wild scene of celebration after the House had passed a bill introduced by a former member, the Honorable Mr. Rinn. It seems to me that while we who passed that bill that night knew that the bill had been so amended that it wasn't worth anything, we who have driven on the highways have since been rather doubtful of our wisdom in completely emasculating that bill at that time, because we who have followed these long trucks with their trailers have seen the danger that arises, not so much to the driver of that particular vehicle, but the danger to the driver of the small passenger car in its almost useless attempt to try to pass the huge vehicle in front of it.

As I sit here today and listen to the debate I have in my mind's eye the picture of the new Speaker of the House who participated in that celebration, and I think those of us who were here in 1935 should take heed of the useless action we took that particular evening and should lend our vote and our voice to help enact into law a measure which in its provisions is entirely sensible and sane. It does not entirely remove these trucks and trailers from the high-

ways but does provide a way for them to get from point to point. It does state the principle that the use of the highways must be subservient to their proper use by the people of the Commonwealth of Pennsylvania. I ask the members of both parties, both the minority and the majority, to support this amendment and to carry it as the last amendment was carried.

Mr. KANE. Mr. Speaker and members of the House, this is a very advantageous place to talk from in regard to this bill, because this is certainly a non-partisan question when Representative Holland of Allegheny and I sponsored these amendments jointly.

I want to say to the members of the House that Representative Holland has carried on for many years his fight to limit the amount of truck traffic on the highways on Sundays. He has carefully drawn this amendment so that there is a provision in it for the designation of certain routes which may be used so that they can go on with their businesses.

I want to say to the agricultural members of the House if they desire to offer specific amendments excepting milk trucks from the provisions of this bill, I for one, as co-sponsor of these amendments, will be glad to go along with them in saying so in so many words.

I want to call to the attention of the members of the House that I was invited by Representatives from Adams County to see the apple blossoms that make it one of the beauty spots of the United States at this time of the year. Two Sundays ago I, with two other Representatives, accepted that invitation and went down to Adams County. We went down over the hills to see these beautiful apple blossoms. On every hill we had occasion to go over we found long lines of cars, and at the head of every one of those lines was a truck that either could not or would not make the grade without going into very low gear. The result of it was that hundreds and hundreds of people down there to enjoy their little Sunday holiday, after working all week, were compelled to travel at ten or fifteen miles an hour because every time the truck got over the hill it speeded as fast as it could go to make up for lost time, and then nobody could pass it. The result was that that whole beautiful region at Mt. Alto was totally worthless to the people of Pennsylvania. Yet we pay for it. I want to call your attention to the fact that the greater number of trucks that were causing this trouble did not carry Pennsylvania registration plates. It may be that they were engaged in inter-state commerce, which I do not feel we have the right to interfere with. Nevertheless, they are on our highways as a privilege. These amendments that have been offered are not intended to completely prohibit truck traffic, but they are intended to regulate it in a safe manner.

I recently have received telegrams from people up in my district, who had been egged on by associations of one kind or another, to send protests to their Representative. When I called those people up on the telephone or spoke to them in person and asked them whether or not they had any objection to their trucks being kept off the highways on Sundays, if the trucks of everybody else were likewise kept off, they said, "Absolutely not." The refineries, for example, who ship oil in these heavy trucks, were perfectly willing to let their drivers have a holiday, but they did not feel that their drivers should remain at home, that their trucks should be kept off the highway when other competitors would not agree to do the same thing.

When you pass a law of this kind you are doing two things. You are giving the people of Pennsylvania an opportunity to enjoy the beautiful scenery of Pennsylvania without too much interference from the freight traffic, and secondly, you are going to give the drivers of those trucks at least one day off when they really can take a rest; one day they will be sure they will not be called out for duty, and that is conferring a considerable benefit on that class of people when you consider the enormous number that are involved in driving trucks.

I have been told that the truck drivers object to this amendment. If you consult them you will find they are for it, and you will find some shippers who are perfectly willing and very glad for this amendment. If they come to Pennsylvania and use our highways they should be equally considerate of the traveling public. I urge all the members of this House to vote for this amendment.

I want to say further that I as a co-sponsor of these amendments will be glad to vote for a good agricultural amendment, if you want to offer it, which will say in so many words that milk trucks are specifically exempt as a matter of public necessity. I thank you.

The yeas and nays were required by Mr. Holland and Mr. Kane.

Messrs. Westrick, Kane and Holland asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—68

Andrews,	Cook,	Jones,	Riley,
Auker,	Dalrymple,	Kane,	Rose,
Baker,	Denman,	Keenan,	Self,
Balliet,	Dick,	Levy,	Shaw,
Bardes,	Dix,	Marr,	Sloan,
Boney,	Fauset,	McClester,	Snyder,
Bower,	Finnerty,	McVay,	Sweeney,
Brancato,	Fisher,	Mihm,	Tarr,
Burns,	Fleming,	Montgomery,	Taylor,
Burris,	Foor,	Mooney,	Tronzo,
Calvin,	Gates,	Moran,	Weiss,
Check,	Harkins,	O'Brien,	Welsh, E. B.,
Chervenak,	Haudenshield	O'Neill,	Welsh, M. J.,
Christler	Hewitt,	Powers,	Westrick,
Clark,	Hindman,	Readinger,	Wilkinson,
Cohen, R. E.,	Holland,	Reese, D. P.,	Williams,
	Huntley,	Rider,	Wood, H. M.,

NAYS—65

Achterman,	Fiss,	Leydic,	Serrill,
Ackermann,	Freed,	Lichtenwalter,	Shearer,
Alspach,	Fullerton,	Lovett,	Simons,
Balthaser,	Gillan,	McKinney,	Sollenberger,
Bennett,	Gillette,	McLane,	Stewart,
Boose,	Habbyshaw,	Moser, F. S.,	Stockham,
Bretherick,	Haines,	Moser, J. L.,	Thistle,
Broad,	Hall,	Muir,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Munley,	Trout,
Brunner,	Henry,	O'Dare,	VanAllsburg,
Cadwalader,	Hess,	Preston,	Webster,
Carpenter,	Hoyt,	Robertson,	Winner,
Curran,	James,	Rothenberger,	Wood, N.,
Donahue,	Kenehan,	Royer,	Woodside,
Eckels,	Kline,	Sarraf,	Yeakel,
Ely	Lee,	Schrock,	Turner,
Ewing,			Speaker.

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,

Will the House agree to the section?

Mr. CURRAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 21 as amended by striking out the date

January 1, 1940 and inserting in lieu thereof the following words: "No part of this section shall become effective until April 1, 1941."

On the question,
Will the House agree to the amendment?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. FLEMING. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. FLEMING. Mr. Speaker, just what did my amendments accomplish? It seems that some one has taken my copy from my desk, and according to this amendment I am somewhat at sea as to how to vote on it.

The SPEAKER. For the information of the gentleman, it says that "No part of this section shall become effective until April 1, 1941."

Mr. FLEMING. Mr. Speaker, that is the amendment before the House that we are voting on?

The SPEAKER. That is the amendment offered by the gentleman from Delaware, Mr. Curran.

Mr. FLEMING. Mr. Speaker, I realize that the hour is late and we have taken up too much time now. In one brief statement I would like to ask the members of the House to vote down this amendment.

Mr. KANE. Mr. Speaker and members of the House, I would like to urge the House to the same effect. We have just adopted one amendment. This amendment effectively offsets everything we have done here by vote. I think the Curran amendment is really out of order because it is exactly the opposite of what the House did. I ask the members of the House to sustain their previous position and vote down the amendment.

Mr. CURRAN. Mr. Speaker and members of the House, I am going to be very brief. I am appreciative of the fact that the gentleman says he is at sea over the amendment. Perhaps I can explain the purpose back of the amendment very briefly by giving you a story, which will illustrate my point.

Back in the good old days out west a man who had been convicted of some offense was summoned before the judge for sentence and the judge told him that he was to be hanged, but before being hanged, he would follow the tradition of complying with his last request.

The old fellow looked at the judge and said, "Well, Judge, the only request I would like to make is, I would like to have a stiff-bosomed shirt, a shave and a haircut."

The Judge told him, "The barber was shot the night before, the stiff-bosomed shirt was not to be had," but the judge told him he would let him pick out the tree on which he would be hanged. The old fellow looked out the window and pointed out a tree that looked pretty good to him.

The Judge said, "Well, I will tell you, it will take about a year and three months for that tree to get tall enough for the purpose of hanging you."

That is all we are asking here. Seriously I ask the House to vote in favor of this amendment, and give these thirty-five hundred men and their families a chance to rehabilitate themselves. I honestly ask you to vote "aye" on the amendments.

Mr. FLEMING. Mr. Speaker, I very much appreciated the story of Mr. Curran. It was very funny, I liked it, but I certainly think the industry has already had a two years' notice. I did not quite get the point of the story probably, but from the way I interpreted it, I would say I am against letting them pick out their own tree.

Mr. HUNTLEY. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Curran.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. CURRAN. I shall, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, as I understand the amendment it runs until April 1941 instead of January 1, 1940?

Mr. CURRAN. Mr. Speaker, it runs until April 1, 1941 instead of January 1, 1940, which will give the men a chance to rehabilitate themselves.

Mr. HUNTLEY. That is, after we have a new House in session here?

Mr. CURRAN. I cannot answer that, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, I would be willing to concede them a little more time in order to give them probably the benefit of clergy before they die, at the same time I am not willing to let it go over until the next session of the General Assembly and have to fight it out all over again. That seems to be the habit of this motor outfit, to just put it over from one session until the other. They haven't shown good faith. They had the opportunity of preparing themselves for this emergency and they haven't taken advantage of it. Instead of coming in here and asking for a six months' extension they ask an extension of one year; they ask that it go over until another House convenes and then they will bring pressure to bear on that House.

Mr. CURRAN. Mr. Speaker, I would be very happy to explain to Mr. Huntley and the members of the House why I have selected April 1, 1941. As you know this House passed a bill changing the registration date on automobiles from December 31 until March 31. It is for that reason I selected the end of the registration year.

Mr. KANE. Mr. Speaker and members of the House, I appreciate the explanation as to the date selected by the gentleman from Delaware, Mr. Curran, which sounds fairly logical, but it isn't the date we are objecting to, it is 1941, which means that this House will have voted for an amendment to abolish something, and will then vote again to postpone it until another session of the Legislature. We all know this is a stall put up by the industry for the purpose of preventing effective action by this House, when it isn't to their interest and the argument was well presented.

Let me say to you, Mr. Speaker and members of the House, the way I heard that story was this. The fellow took advantage of the situation and picked out an elder bush in front of the court house, well knowing that it would never grow sufficiently strong to stand his weight. He therefore got off scot free by taking advantage of the judge, the jury, the district attorney and everybody concerned with enforcing the law. We ask you not to fall for a similar joke and agree to hang this outfit to an elder bush, but to retain your original position.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, does the gentleman from Delaware amend the text of House Bill No. 1423, Printer's No. 727, or is he amending the text of this House Bill as it has previously been amended?

The SPEAKER. The gentleman from Delaware is amending the text of House Bill No. 1423, Printer's No. 727, by putting in an amendment to section 830, as amended, by striking out the date January 1, 1940, and inserting in lieu thereof the following words: "No part of this section shall become effective until April 1, 1941."

Mr. ANDREWS. Mr. Speaker, is he amending an amendment?

The SPEAKER. He is amending the bill as amended.

Mr. ANDREWS. Mr. Speaker, is it regular at the present time to amend an amendment after the amendment has been adopted? Was not his proper recourse to amend the amendment offered by the gentleman from Allegheny, Mr. Fleming, if he wanted to accomplish his purpose?

The SPEAKER. As the Chair understands, the gentleman from Cambria is raising the question of whether the amendment should have been presented to the amendment offered by the gentleman from Allegheny, Mr. Fleming. The Chair feels that the manner in which amendments must be presented, is that they are sent to the desk and the House decides on one amendment, then another amendment is offered. It would be extremely difficult if any other rule prevailed. The gentleman can offer his amendment, and the House can decide whether it wants to adopt it or not.

Mr. ANDREWS. Mr. Speaker, is section 830 in or out of the bill at the present time?

The SPEAKER. Section 830, as amended by the gentleman from Allegheny, Mr. Fleming, was taken out of the bill. Then an amendment was offered by the gentleman from Allegheny, Mr. Holland and the gentleman from McKean, Mr. Kane on which the House has just voted. That also was an amendment to Section 21.

Mr. KANE. Mr. Speaker, I do not believe that the amendment offered by the gentleman from Allegheny, Mr. Fleming, deleted the section. What it did was to retain the present law; what is in the law that was passed last session with regard to motor transportation. There is no reason that I can see why this amendment cannot be offered under the rules. There is every reason why the members of the House should not sustain this last amendment, because this last amendment is intended to fool you and nothing else. It is an endeavor to take advantage of a situation in which a number of members of the House have gone out. I therefore ask you to vote it down for that reason.

PARLIAMENTARY INQUIRY

Mr. LEVY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his parliamentary inquiry.

Mr. LEVY. Mr. Speaker, is Section 830 in or out of the bill?

The SPEAKER. The Chair is of the opinion that Section 830 is out of the bill.

Mr. LEVY. Mr. Speaker, I felt that the amendment offered by the gentleman from Allegheny had taken that section out of the bill, which amendment was adopted by the House a few moments ago.

The SPEAKER. The Chair understands the amendment to be to that effect.

On the question recurring,

Will the House agree to the amendments?

BILL AND AMENDMENTS LAID ON TABLE

Mr. WOODSIDE. Mr. Speaker, I move that the bill together with the amendments be laid upon the table.

The motion was agreed to.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Banking immediately in Room 324.

Counties in Room A.

Dairy Industries in Room 328.

Professional Licensure in Room 323.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:30 p. m. Are there objections? The Chair hears none and declares a recess until 4:30 p. m.

AFTER RECESS

The House reconvened at 4:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PERSONAL PRIVILEGE

Mr. MUNLEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Lackawanna will state his question of personal privilege.

Mr. MUNLEY. Mr. Speaker, yesterday in consideration of House Bill No. 1221, I voted in the affirmative. While the verification of the roll was being made, I was called from the House chamber and I have just learned that I have been recorded in the negative. I ask that the record be corrected so that I may be shown as having voted in the affirmative.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the journal.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 244 (HOUSE BILL No. 1553)

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcripts to the court

of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries.

Referred to the Committee on Banking.

REPORTS FROM COMMITTEES

Mr. SLOAN from the Committee on Counties reported as committed, House Bill No. 308, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by excluding from the provisions of said act personal property transferred and assigned to, or possessed by certain fiduciaries.

Mr. YEAKEL from the Committee on Banking reported as committed, House Bill No. 1534, (Senate Bill No. 366), entitled:

An Act to further amend section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercises of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affilated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by furthur providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. WEBSTER from the Committee on Banking reported as committed, House Bill No. 1553, (Senate Bill No. 244) entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof; judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies; including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciares; the organzation of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers. and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries.

Mr. HOCKE from the Committee on Counties reported as committed, House Bill No. 1526, (Senate Bill No. 677), entitled:

An Act authorizing counties of the third class to enter into agreements with certain hospitals for the care of contagious disease cases and authorizing such counties to make appropriations thereof.

Mr. NORMAN WOOD from the Committee on Dairy Industries reported as amended, House Bill No. 1202, entitled:

An Act to amend the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations;" by authorizing injunctions against persons operating without license; exempting certain dealers from the requirement to file bond; making certain reports mandatory; enlarging the powers and duties of the commission; encouraging and providing for certain contracts between producers and dealers under prescribed conditions and subject to the approval of the commission; eliminating the requirement for the approval by the Gov-

ernor of certain orders; authorizing and providing for the equalization of the return or prices to be paid to producers in markets where producers' prices are based on utilization; and changing procedure and practice on, and the right of appeal.

QUESTION OF PERSONAL PRIVILEGE

Mr. CORDIER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Lackawanna will state his question of personal privilege.

Mr. CORDIER. Mr. Speaker, in the issue of the Scranton Times of Wednesday afternoon there is a story on the coal bill. Part of that story reads as follows:

> "Lackawanna county's two Republican representatives, Robert J. Cordier, Scranton, and Matthew T. Knoble, Clarks Summit, are arrayed on the side of the Glen Alden Coal Company. Cordier and Knoble, unless they change their minds at the last minute, will vote for the bill. The four Lackawanna county Democrats are planning to vote against the bill.
>
> "Representative Martin Kenehan, North Scranton Democrat, was authority for the statement last night that Cordier asked him to vote for the bill. Kenehan declared he was unimpressed by Cordier's argument that he (Kenehan) should vote for the bill because he is employed by the Hudson Coal Company."

Mr. Speaker, I have been a representative in these halls for four terms and this is the first time that I have risen to my feet to take exception to any news story that has been sent back to Lackawanna County insofar as my activities on the floor of this House are concerned.

Whether it was a misconception on the part of the reporter who wrote this story, or whether the words of Representative Kenehan were misconstrued, I wish to state definitely that I did not at any time attempt to influence the vote of Representative Kenehan either for or against this bill. I did discuss the provisions of the legislation with him; he represents a different district than I do, but in our discussion of the bill, we merely discussed the merits and possible demerits of the legislation and when we broke up I said to him, "You use your best judgment on the measure and I will use mine."

Mr. Speaker, as further evidence of the misconception as to the position of the members from Lackawanna County on this bill, I will say that the story, insofar as it states that the four Lackawanna Democrats would vote against the bill, is untrue, because Representative Munley has just risen and stated that he voted "aye" in a loud voice on this measure, so that the Lackawanna delegation was split three and three, two Republicans and one Democrat having voted for the bill, and three Democrats voted against it.

I respectively urge the gentleman who wrote this story, for whom I have a very great deal of respect in view of the fact that he may have misconstrued the words of Representative Kenehan, that he in fairness to me print my side of the story.

QUESTION OF PERSONAL PRIVILEGE

Mr. KENEHAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman form Lackawanna will state his question of personal privilege.

Mr. KENEHAN. Mr. Speaker, in answer to the gentleman from Lackawanna, Mr. Cordier, we simply discussed the bill and he at no time tried to influence me in voting in favor of or against the bill. Thank you.

PARLIAMENTARY INQUIRY

Mr. HINDMAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HINDMAN. Mr. Speaker, I would like to ask the Chair just what the force of a resolution, passed by the House, is requesting data from any of the state departments.

The SPEAKER. It seems that the Chair should first know to what resolution the gentleman refers.

Mr. HINDMAN. Mr. Speaker, I refer to Resolution No. 31, Serial No. 55, Printer's No. 111, introduced by Dr. Sarraf and myself, requesting a report from the Department of Health regarding the tubercular situation in the state of Pennsylvania. This resolution was referred to the Committee on March 8, reported as committed on March 21, adopted March 28 and transmitted by the Chief Clerk on March 29.

The SPEAKER. The Chair would advise the gentleman that in the broad sense, a request to a department of the executive branch of this government does not carry with it the force of a command, nor is it enforceable in any way. The Chair would also advise the gentleman from Washington that the resolution does not carry any date upon which the department is to report. The words are, "Resolved that the Department of Health of the Commonwealth of Pennsylvania report to the House of Representatives the following information."

Mr. HINDMAN. Mr. Speaker, is it not a fact that ordinarily such a resolution does receive a response from the department to which it is directed?

The SPEAKER. The Chair would say that is the usual result of resolutions asking a department for information.

Mr. HINDMAN. Mr. Speaker, would it not be implied that such a resolution concerning the tubercular hospitals in the state of Pennsylvania, and would not ordinary common sense lead one to believe that the resolution was to be answered and the report forthcoming during the session at which it was introduced?

The SPEAKER. The Chair feels that the ordinary tenor of a resolution would be to expect a reply within a reasonable time. However, the Chair is of the opinion that the gentleman from Washington might direct his question to the Department itself and not to the Chair.

Mr. HINDMAN. Mr. Speaker, I would be pleased to do that but after this resolution was introduced and passed by the members of this House without, I believe one dissenting vote, I naturally did not regard it as a personal matter, and during all these weeks I have been expecting to receive that report. I do feel in all fairness, and I think the Speaker will agree with me, that we should be entitled to that report without undue delay. Had I known that, I personally would be pleased to do it, but if that holds good in this case, Mr. Speaker, I cannot see but that a resolution of this House of a similar nature is just a matter of lost motion. I do feel there should be a report, and if a resolution does not mean anything, it is just taking up a great deal of time and expense of this House to have it put through. I assure you that this resolution was presented in very good faith, in order that the position of the Department of Health could be placed before the members of this House, and I do feel it is very important that the members of this House should

know the real facts. We have given facts which we feel are indisputable, but the floor leader, Mr. Woodside, three weeks ago last Monday night, gave figures and stated facts that were absolutely at variance with the statements we made in previous talks, which information came from the very best authorities in the state of Pennsylvania.

The SPEAKER. The Chair would say to the gentleman from Washington, that he has never conceived there was any obligation on the part of the Speaker of the House to follow up a request for information as contained in a resolution. The Chair does not believe that that has ever been the custom of any Speaker of the House.

Usually what transpires is that the members of the House have either made inquiry as to their resolutions, or as the gentleman is doing today, from the floor of the House, called attention to the fact that no answer has been received.

The Chair very well remembers in 1937 the number of requests the Chair made when he was a member on the floor, asking for information, which dragged out through the session for a considerable space of time before any answer was forthcoming. Members who are interested in a question, by their industry and diligence, generally secure the results they want.

The Chair will be very pleased, as he has done on other occasions, to direct the Clerk to make inquiry, or will himself direct a letter to the Department asking that the matter be answered, or that some reply be given to the House.

Mr. HINDMAN. Mr. Speaker, would it be unreasonable for me to ask the Chair to instruct the Chief Clerk to secure that report by, say Monday night, when we go into session?

The SPEAKER. The Chair does not feel that such a direction could be given to the Chief Clerk. The Chair will be very glad to request the Chief Clerk to inquire of the Department as to the report in response to this resolution. It seems to the Chair if the gentleman from Washington desires to have the report by Monday night, a resolution should be introduced in the House requesting the report by that date.

Mr. HINDMAN. Mr. Speaker, according to what the Chair has stated a resolution does not carry with it very much force. I might say the reason I suggested having the Chief Clerk secure the information for the members of the House was because the resolution, according to the History, was transmitted to the Department by the Chief Clerk. I believe that is the ordinary method of procedure.

The SPEAKER. The Chair has stated to the gentleman that he believes it is perfectly proper for the Chair to request the Chief Clerk to make inquiry as to the resolution. The Chair however feels that if the gentleman wants to ask that the report be made by a certain date, that is a question for the House and not for the Chair or the Chief Clerk to determine.

Mr. HINDMAN. Mr. Speaker, I just thought perhaps it would save the time of this House, and the expense of introducing a resolution that would have to be printed, if there were some way the Chair could endeaver to secure the report for us.

The SPEAKER. The Chair has already indicated that he will be pleased to make inquiry and endeavor to secure the report.

Mr. HINDMAN. That will be very satisfactory, Mr. Speaker, but we would like to have the report on the floor. The members of this House are entitled to it, and I will very much appreciate any effort the Chair might see fit to make in order to secure what we regard as a very important report by Monday night.

ADDRESS BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, as was suggested by the gentleman who has just spoken, a few weeks ago I gave information which was received from Dr. Shaw. Practically all that information was information which was requested by the resolution, and perhaps that is the reason why Dr. Shaw did not respond to the resolution, thinking the House already had the information. I feel sure if the gentleman had contacted either myself or the Speaker, we would certainly have gotten in touch with Dr. Shaw and gotten the information he desires. I think he should have done that before taking up the time of the House with a discussion of the matter.

ADDRESS BY MR. HINDMAN

Mr. HINDMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in reply to the statement of Mr. Woodside, the floor leader of the majority party, I would say that we absolutely never thought of going to him for this report. He did give us certain figures some three weeks ago, I believe it was last Monday, but he did not give his authority for them. He is presuming that we knew where his figures came from, but he didn't quote any authority, he just stated he had these figures. I submit, relative to the figures we quoted, we gave our authority for them, and we have given our authority right along. If you will refer to the Legislative Journal those figures are there and they will stand there.

I very well remember that Mr. Woodside made some rebuttal statement in his talk the other night, which I wished to reply to, but the hour was so late and the Speaker felt it would be better to defer it to a later date. Mr. Woodside made some statements then with which I am not in accord. He started out by saying that we did not need any additional tubercular beds. He stated if additional beds were needed when the tubercular sanatorium at Butler was completed, they would be furnished, and he wound up before he finished his talk by stating that they were not needed. He also mentioned the fact that we were trying to secure the sympathy of the members of this House. Ladies and gentlemen, I am sure so far as I am concerned, and so far as any others who have taken a similar position on this issue are concerned, we have not tried to inject any maudlin sympathy which was not proper. I submit to the members of this House, if there is any group of people under the canopy of Heaven that is entitled to the right kind of honest and true sympathy, it certainly is the great army of tuberculosis sufferers we have in this state. I made the suggestion that if Mr. Woodside felt we were not correct in what we had stated, and I repeat the statement, in all fairness this House should have a hearing to determine whether we really do need additional beds for tuber-

culosis patients. I suggested that we have, say half a dozen, of the leading tuberculosis authorities of this State come before this House and tell us what our tuberculosis needs are. I repeat that here this afternoon, Mr. Speaker. I feel that is a very fair proposition. I would be more than pleased to be able to have this House hear the testimony of people who are real experts on that particular subject.

QUESTION OF PERSONAL PRIVILEGE

Mr. HEWITT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HEWITT. Mr. Speaker, when this session opened in January, it was very evident, I am sure to all the members of the House, that it was the Speaker's desire to have us cooperate with him in having the deliberations conducted in a gentlemanly and refined manner. I want to congratulate the Speaker on the success with which he has met, and I want to congratulate the members also. I want to publicly apologize to the Speaker of the House for having gotten out of line with him this afternoon. It was necessary for the Speaker to remind me that I was interferring with the orderly conduct of the legislature.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8 p. m. Are there objections? The Chair hears none and declares a recess until 8 p. m.

AFTER RECESS

The House reconvened at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

RELIEF

Resolution from:

The United Mine Workers of America, Local Union 6541 of Leechburg, Pa.;
The United Mine Workers of America, Local Union 1190 of Ellsworth, Pa.;

opposing passage of House Bill No. 867.

Referred to the Committee on Welfare.

SUSAN B. ANTHONY DAY

A Resolution from The Pennsylvania State Branch of the National Woman's Party of Philadelphia endorsing the passage of House Bill No. 758.

Referred to the Committee on Banking.

HOUSING

A Resolution from The Philadelphia Housing Authority urging the defeat of the House Bill No. 766.

Referred to the Committee on State Government.

EQUAL RIGHTS

A Resolution from The Lambda Sigma Kappa Law Fraternity of Philadelphia advocating that House Bill No. 103 be reported out of committee and that a public hearing be held thereon.

Referred to the Committee on Judiciary Special.

ALIEN REGISTRATION

A Resolution from The United Mine Workers of America, Local Union 1190 of Ellsworth, Pa., urging the defeat of House Bill No. 134.

Referred to the Committee on Judiciary Special.

COMPANY PAID POLICE

A Resolution from The United Mine Workers of America, Local Union 1190 of Ellsworth, Pa., opposing company paid police bill.

Referred to the Committee on Counties.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 41.

An Act to further amend section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State Highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certan moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth

HOUSE BILL No. 382.

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

HOUSE BILL No. 545.

An Act to amend section one thousand and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

HOUSE BILL No. 662.

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania

HOUSE BILL No. 887.

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits; requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violation of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

HOUSE BILL No. 1022.

An Act to amend further section five of an act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may, in the discretion of the Secretary of Highways, construct, reconstruct, resurface or maintain additional width.

HOUSE BILL No. 1026.

An Act to provide that under certain conditions roads highways bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damage therefor

HOUSE BILL No. 1129.

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof

HOUSE BILL No. 742.

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence

HOUSE BILL No. 929.

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds," changing motor vehicles registration years fractions of registration years and operators license years.

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 331.

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 373.

An act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Snate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk or the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 480.

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk or the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 567.

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 710.

An Act relating to unlawful practices in the procurement of retainers for attorneys

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill, page 2, by inserting after line 4 the following new section:

"Section 2 "The foregoing shall not prohibit any bona fide labor organization from giving legal advice to its members in matters arising out of their employment."

Amend Section 2, page 2, line 5 by striking out after the word "Section" the numeral "2" and inserting in lieu thereof the numeral "3."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Sarraf,
Andrews,	Fauset,	Leydic,	Scanlon,
Auker,	Fisher,	Lichtenwalter,	Schrock,
Baker,	Fiss,	Lovett,	Schrope,
Balthaser,	Fleming,	Madden,	Schwab,
Bennett,	Foor,	Malloy,	Self,
Bohn,	Freed,	Marr,	Serrill,
Boies,	Fullerton,	Matthews,	Shearer,
Boney,	Furman,	McClester,	Sloan,
Boose,	Gates,	McKinney,	Snyder,
Boyd,	Gillan,	McLane,	Sollenberger,
Brancato,	Gillette,	McNally,	Stambaugh,
Broad,	Gorski,	McVay,	Stank,
Bronson,	Habbyshaw,	Melchiorre,	Stewart,
Brown, S. W.,	Haines,	Mihm,	Stockham,
Burris,	Hall,	Montgomery,	Tarr,
Cadwalader,	Harbeson,	Mooney,	Taylor,
Calvin,	Harkins,	Moran,	Thistle,
Carpenter,	Haudenshield,	Moser, F. S.,	Thompson, G. R.,
Chervenak,	Henry,	Muir,	Tiemann,
Christler,	Hewitt,	Munley,	Tronzo,
Clark,	Hindman,	O'Connor,	Trout,
Clearwater,	Hocke,	O'Dare,	VanAllsburg,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Watkins,
Cook,	Hoffman, S. K.,	Preston,	Webster,
Cooper,	Holland,	Readinger,	Welsh, E. B.,
Cordier,	Huntley,	Reagan,	Welsh, M. J.,
Cortese,	Imbrie,	Reese, D. P.,	Wilkinson,
Curran,	James,	Reese, R. E.	Williams,
Dalrymple,	Jones,	Rider,	Wilson,
DeNote,	Kane,	Riley,	Winner,
Dick,	Keenan,	Robertson,	Wood, H. M.,
Dix,	Kenehan,	Rose,	Wood, L. H.,
Donahue,	Kilroy,	Roseberry,	Wood, N.,
Downey,	Kline,	Rothenberger	Woodside,
Eckels,	Knoble,	Royer,	Yeakel,
Ely,	Kowalski,	Sarge,	Turner,
Ewing,	Lee,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 470.

An Act to amend sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a borough town or township to a city of the third class in the same county and authorizing the registration commission to amend the registers for such boroughs towns townships and cities accordingly

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, line 13, by inserting after the word "accordingly" the words "and changing time for filing removal within same district."

Amend Section 1, page 4, line 16, by inserting light-faced brackets before and after the word "ten"; also same line by inserting before the word "days" the word "thirty"; also same page, line 18, by striking out the light-faced bracket before the word "Section"; also same line by inserting a light-faced bracket before the word "Upon"; also page 5, line 18, by inserting a light-faced bracket after the word "action"; also same page, line 5, by striking out at the beginning of line 19 the letter "(c)"; also same page, line 25, by inserting after the word "commission" the words "if it has previously determined by resolution that the personal registration system for the city and the system for the boroughs towns and townships are so set up that registration cards of one system may be used for the other system"; also page 6, line 15, by striking out the words "general and"; also same page, line 17, by striking out the words "general and"; also same page, by striking out all of lines 21 to 29 inclusive and on page 7, by striking out all of lines 1 and 2 as follows:

"Whenever a transfer of registration is made under this clause from an election district in a borough town or township to an election district in any such city the commission shall upon removing the registration card of such elector from the general register of his previous residence replace such card with a blank card upon which shall be noted the elector's name and previous address and the fact that his registration has been transferred to the city of ..... and the date of such transfer This memorandum card shall be in all ways considered a canceled registration card"; also page 7, line 3, by striking out the letter "(d)" and inserting in lieu thereof the letter "(b)"; also same page, line 16, by striking out the letter "(e)" and inserting in lieu thereof the letter "(c)".

Amend bill, page 7, by inserting after line 26 the following new section:

"Secion 2 This act shall become effective immediately upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Sarraf,
Andrews,	Fauset	Leydic,	Scanlon,
Auker,	Fisher,	Lichtenwalter,	Schrock,
Baker,	Fiss,	Lovett,	Schrope,
Balthaser,	Fleming,	Madden,	Schwab,
Bennett,	Foor,	Malloy,	Seif,
Bohn,	Freed,	Marr,	Serrill,
Boies,	Fullerton,	Matthews,	Shearer,
Boney,	Furman,	McClester,	Sloan,
Boose,	Gates,	McKinney,	Snyder,
Boyd,	Gillan,	McLane,	Sollenberger,
Brancato,	Gillette,	McNally,	Stambaugh,
Broad,	Gorski,	McVay,	Stank,
Bronson,	Habbyshaw,	Melchiorre,	Stewart,
Brown, S. W.,	Haines,	Mihm,	Stockham,
Burris,	Hall,	Montgomery,	Tarr,
Cadwalader,	Harbeson,	Mooney,	Taylor,
Calvin,	Harkins,	Moran,	Thistle,
Carpenter,	Haudenshield,	Moser, F. S.,	Thompson, G. R.,
Chervenak,	Henry,	Muir,	Tiemann,
Christler,	Hewitt,	Munley,	Tronzo,
Clark,	Hindman,	O'Connor,	Trout,
Clearwater,	Hocke,	O'Dare,	Van Allsburg,
Cohen, H. B.	Hoffman, J. N.,	Peacock,	Watkins,
Cook,	Hoffman, S. K.,	Preston,	Webster,
Cooper,	Holland,	Readinger,	Welsh, E. B.,
Cordier,	Huntley,	Reagan,	Welsh, M. J.,
Cortese,	Imbrie,	Reese, D. P.,	Wilkinson,
Curran,	James,	Reese, R. E.	Williams,
Dalrymple,	Jones,	Rider,	Wilson,
DeNote,	Kane,	Riley,	Winner,
Dick,	Keenan,	Robertson,	Wood, H. M.,
Dix,	Kenehan,	Rose,	Wood, L. H.,
Donahue,	Kilroy,	Roseberry,	Wood, N.,
Downey,	Kline,	Rothenberger,	Woodside,
Eckels,	Knoble,	Royer,	Yeakel,
Ely,	Kowalski,	Sarge,	Turner,
Ewing,	Lee,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 553.

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of

citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly

With the information that the Senate has passed the same with amendments, in which the concurrence of the Houes of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, line 11 by inserting after the syllable "ingly" the words "and changing time for filing removal notice within same district."

Amend Section 1, page 4, line 16, by inserting light-faced brackets before and after the word "ten"; also same line, by inserting before the word "days" the word "thirty"; also same page, line 18, by inserting a light-faced bracket before the word "Upon"; also page 5, line 16, by inserting a light-faced bracket after the word "action"; also same page, line 23, by inserting after the word "commission" the words "if it has previously determined by resolution that the personal registration system for the boroughs towns and townships and the system for the city are so set up that registration cards of one system may be used for the other system;" also page 6, line 12, by striking out the words "general and"; also same page, lines 13 and 14, by striking out the words "general and"; also same page, by striking out all of lines 17 to 28 inclusive as follows:

"Whenever a transfer of registration is made under this clause from an election district in a city of the third class to an election district in a borough town or township the commission upon removing the registration card of such elector from the general register of said city of previous residence shall replace such card with a blank card upon which shall be noted the elector's name and previous address and the fact that his registration has been transferred to the of and the date of such transfer This memorandum card shall be in all ways considered a cancelled registration card"; also page 7, line 1, by striking out the letter "(d)" and inserting in lieu thereof the letter "(b)"; also same page, line 7, by striking out the letter "(e)" and inserting in lieu thereof the letter "(c)".

Amend bill, page 7, by inserting after line 17 the following new section:

"Section 2 This act shall become effective immediatelv upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Sarraf,
Andrews,	Fauset,	Leydic,	Scanlon,
Auker,	Fisher,	Lichtenwalter,	Schrock,
Baker,	Fiss,	Lovett,	Schrope,
Balthaser	Fleming,	Madden,	Schwab,
Bennett,	Foor,	Malloy,	Seif,
Bohn,	Freed,	Marr,	Serrill,
Boles,	Fullerton,	Matthews,	Shearer,
Boney,	Furman,	McClester,	Sloan,
Boose,	Gates,	McKinney,	Snyder,
Boyd,	Gillan,	McLane,	Sollenberger,
Brancato,	Gillette,	McNally,	Stambaugh,
Broad,	Gorski,	McVay,	Stank,
Bronson,	Habbyshaw,	Melchiorre,	Stewart,
Brown, S. W.,	Haines,	Minm,	Stockham,
Burris,	Hall,	Montgomery,	Tarr,
Cadwalader,	Harbeson,	Mooney,	Taylor,
Calvin,	Harkins,	Moran,	Thistle,
Carpenter,	Haudenshield,	Moser, F. S.,	Thompson, G. R.,
Chervenak,	Henry,	Muir,	Tiemann,
Christler	Hewitt,	Munley,	Tronzo,
Clark,	Hindman,	O'Connor,	Trout,
Clearwater,	Hocke,	O'Dare,	VanAllsburg,
Cohen, H. B.,	Hoffman, J N.,	Peacock,	Watkins,
Cook,	Hoffman, S. K.,	Preston,	Webster,
Cooper,	Holland,	Readinger,	Welsh, E. B.,
Cordier,	Huntley,	Reagan,	Welsh, M. J.,
Cortese,	Imbrie,	Reese, D. P.,	Wilkinson,
Curran,	James,	Reese, R. E.,	Williams
Dalrymple,	Jones,	Rider,	Wilson,
DeNote,	Kane,	Riley,	Winner,
Dick,	Keenan,	Robertson,	Wood, H. M.,
Dix,	Kenehan,	Rose	Wood, L. H.,
Donahue,	Kilroy,	Roseberry,	Wood, N.,
Downey,	Kline,	Rothenberger,	Woodside,
Eckels,	Knoble,	Royer,	Yeakel,
Ely,	Kowalski,	Sarge,	Turner,
Ewing,	Lee,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 342.

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for non-compliance therewith

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, line 6, by inserting after the word "issuance" the words "by courts having criminal jurisdiction."

Amend Section 1, page 3, line 9, by inserting after the word "having" the word "criminal"; also same page, lines 9 and 10 by striking out the words "of the subject matter."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. KANE. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered. That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 673.

An Act to amend subsection (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by enlarging the definition of the phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transportation of school children exclusively or transportation of materials in dump trucks

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by striking out the figure "(7)" and inserting in lieu thereof the figure "(6)" also page 3, line 13, by striking out the word "enlarging" and inserting in lieu thereof the words "excluding from"; also same page, line 14 of the title, by striking out the words "the phrase "Contract Carrier by Motor Vehicle" " and inserting in lieu thereof the words " "Common Carrier by Motor Vehicle" "; also same page, lines 14 and 15 of the title, by striking out the words "to include"; also same page, line 17 of the title, by inserting before the word "materials" the word "certain".

Amend Section 1, page 3, line 1, by striking out after the word "Subsection" the figure "(7)" and inserting in lieu thereof the figure "(6)"; also page 5, by inserting after line 14 the following new paragraph:

"(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any person or corporation who or which provides or furnishes transportation of school children exclusively or (c) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish excavated and road construction materials"; also same page, by striking out all of lines 15 to 28 inclusive as follows:

"(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold [or] (b) any bona fide cooperative association transporting prop-"; also page 6, by striking out all lines 1 to 8 inclusive as follows:

"erty exclusively for the members of such association on a non-profit basis or (c) any person or corporation who or which provides or furnishes transportation of school children exclusively or (d) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of materials ordinarily used or removed in building operations highway construction or maintenance or in any other construction work";

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. WOODSIDE. Mr. Speaker, I move that the message together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 755

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the House of Representatives, of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 755, Printer's No. 300, entitled, "An Act Validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 38 and 243

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, May 16, 1939.

To the Honorable, the House of Representatives, of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 38, Printer's No. 558, entitled "An Act to amend Sections Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended), 'An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and townships, defining the same, prescribing the rights powers and duties of such Authorities, authorizing such Authorities to acquire, construct, improve, maintain and operate projects and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such Authorities, authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes,' as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks, water supply works, water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board."

House Bill No. 243, Printer's No. 616, entitled "An Act Regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts

ARTHUR H. JAMES.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 74

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 74, entitled:

An Act to amend section two hundred and seventy-eight and section two hundred and eighty of the act approved the second day of May one thousand nine hundred and tyenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth class and increasing the compensation of detectives in counties of the sixth class

Mr. WOODSIDE. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 74, Messrs. Calvin, Kane and Lovett.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 527

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 527, Printer's No. 585, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF VOTE

Mr. WILKINSON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. AUKER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Luzerne, Mr. Wilkinson, vote on the final passage of this bill?

Mr. WILKINSON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Blair, Mr. Auker, vote on the final passage of this bill?

Mr. AUKER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. WILKINSON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 2, line 13 of the title, by striking out after the word "refunds'" and before the word "the" the word: (with boldface brackets) "[removing]" and inserting in lieu thereof the following: "by extending"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1212

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1212, Printer's No. 396, for further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

COMMUNICATION AND BILL LAID ON TABLE

Mr. KANE. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1193

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1193, Printer's No. 362, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

COMMUNICATION AND BILL LAID ON TABLE

Mr. HABBYSHAW. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

HOUSE BILL NO. 1423 TAKEN FROM TABLE

Mr. TROUT. Mr. Speaker, I move that House Bill No. 1423, Printer's No. 727, entitled:

An Act to amend the act to reenact and amend section two hundred twelve and to repeal section one thousand thirty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended further amplyfying and changing the provisions of said act relating to certificates of title the correction cancellation and assignment thereof notices contained therein and the rights of persons to apply for receive and possess such certificates as agents and declaring liens and encumbrances shown on such certificates to be lawful notice thereof to the Commonwealth creditors and purchasers further regulating the registration and operation of certain motor vehicles trailers and semi-trailers the application for and suspension of operators' licenses the use of registration tags in certain cases and the lawful weight size equipment and speed of such vehicles removing certain exemptions and providing new exemptions from the various provisions of said act providing for the suspension of inspection stations appeals from such suspensions and the appointment and regulation of new ones by the Secretary of Revenue authorizing the destruction of certain motor vehicles by the secretary restricting the transportation of explosives authorizing the arrest and prosecution of and entry of bail by offenders on Sunday changing the time when prosecution may be brought for certain offenses making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings changing fees disposing of certain fines and penalties and forfeited bail and changing and imposing new penalties

and the amendments which were laid upon the table be taken from the table.

The motion was agreed to.

The SPEAKER. When this bill and the amendments were laid on the table this afternoon we were considering the amendment offered by the gentleman from Delaware, Mr. Curran, to section 21.

On the question recurring,

Will the House agree to the amendment?

Mr. CURRAN. Mr. Speaker, I ask unanimous consent to withdraw the amendment offered by me.

The SPEAKER. The gentleman from Delaware, Mr. Curran asks unanimous consent to withdraw the amendment offered by him. Is there objection? The Chair hears none and the amendment is withdrawn.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The twenty-second to the twenty-ninth sections inclusive were separately read and agreed to as follows:

Section 22 Subsections (b) and (c) of section nine hundred two of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 902 Size of Vehicles and Loads

(b) No vehicle except vehicles used exclusively to repair overhead lights and wires and fire department equipment shall exceed a total maximum height including any load thereon of one hundred fifty (150) inches but nothing herein contained shall be construed to require the public authorities to provide sufficient vertical clearance to permit the operation of such vehicles excepting that until but not after January first one thousand nine hundred forty-one any vehicle properly registered in Pennsylvania on the effective date of this act may be of a total height including any load thereon of one hundred seventy-four (174) inches Provided however That any bus operated within a municipality or in a business or residence district may be of a total height including any load thereon of one hundred seventy-four (174) inches

(c) No vehicle except fire department equipment shall exceed a total maximum length including any load thereon of three hundred ninety-six (396) inches and no combination of two (2) vehicles inclusive of load and bumpers coupled together shall exceed a total maximum length of six hundred (600) inches excepting that until but not after January first one thousand nine hundred forty-one any combination of two vehicles properly registered in this Commonwealth on the effective of this act may be of a total maximum length not exceeding seventy (70) feet excepting further that nothing in this subsection shall prohibit the transportation by a combination of vehicles of articles impossible of dismemberment which do not exceed seventy (70) feet

1 No motor vehicle shall be operated upon a highway drawing or having attached thereto more than one other vehicle except that until but not after January first one thousand nine hundred forty-two a truck with semi-trailer attached may draw in addition thereto one (1) other vehicle if all the units of such combination were registered in this Commonwealth on or before June twenty-ninth one thousand nine hundred thirty-seven

2 The distance between any two vehicles one of which is towing or drawing the other shall not exceed fifteen (15) feet from one vehicle to the other except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle Whenever the connection consists of a chain rope bar or cable there shall be displayed upon such connection a flag not less than twelve (12) inches in length and width Every trailer while being drawn upon the highway shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels

Section 23 Subsections (a) (b) and (c) of section nine hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 903 Weight of Vehicles and Loads

(a) Commercial motor vehicles and truck tractors other than those electrically operated shall not be used or operated on any highway with gross weight exceeding those specified for the several classes and weights of chassis as follows

Four-Wheeled (2 Axles) Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
R	Less than 2000	5000
S	2000 and over but less than 3000	7000
T	3000 and over but less than 4000	11000
U	4000 and over but less than 5000	15000
V	5000 and over but less than 6000	18000
W	6000 and over but less than 7500	22000
Y	7500 and over but less than 9000	25000
Z	9000 and over	26000

Six-Wheeled (3 Axles) Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
RZ	2000 and over but less than 3000	12000
SZ	3000 and over but less than 4000	14000
TZ	4000 and over but less than 5000	16000
UZ	5000 and over but less than 6000	22000
VZ	6000 and over but less than 7500	26000
WZ	7500 and over but less than 9000	30000
YZ	9000 and over but less than 12000	34000
ZZ	12000 and over	36000

(b) Electrically operated commercial motor vehicles and truck tractors shall not be used or operated on any highways with gross weight exceeding those specified for the several classes as follows

Four-Wheeled (2 Axles) Class	Maximum Gross Weight in Pounds
R	5000
S	7000
T	11000
U	15000
V	18000
W	22000
Y	25000
Z	26000

Six-Wheeled (3 Axles) Class	Maximum Gross Weight in Pounds
RZ	12000
SZ	14000
TZ	16000
UZ	22000
VZ	26000
WZ	30000
YZ	34000
ZZ	36000

(c) Trailers and semi-trailers shall not be used or operated on any highways with gross weight exceeding those specified for the several classes as follows

Four-Wheeled (2 Axles) Class	Trailer or Semi-Trailer Weight in Pounds	Maximum Gross Weight in Pounds
A	Less than 1000	3000
B	1000 and over but less than 2000	6000
C	2000 and over but less than 3000	10000
D	3000 and over but less than 4000	16000
E	4000 and over but less than 5000	20000
F	5000 and over but less than 6000	24000
G	6000 and over	26000

Six-Wheeled (3 Axles) Class	Trailer Weight in Pounds	Maximum Gross Weight in Pounds
AZ	Less than 3000	12000
BZ	3000 and over but less than 4000	15000
CZ	4000 and over but less than 5000	20000
DZ	5000 and over but less than 6000	26000
EZ	6000 and over but less than 7000	30000
FZ	7000 and over but less than 9000	34000
GZ	9000 and over	36000

Two-Wheeled (1 Axle) Class	Semi-Trailer Weight in Pounds	Maximum Gross Weight in Pounds
A	Less than 1000	3000
B	1000 and over but less than 2000	6000
C	2000 and over but less than 3000	10000
D	3000 and over but less than 4000	12000
E	4000 and over but less than 5000	14000
F	5000 and over but less than 6000	16000
G	6000 and over	18000

Section 24 Section one thousand two of said act as amended in part by the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) and in part by the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) and in part by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1718) is hereby further amended to read as follows

Section 1002 Restrictions as to Speed

(a) Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper having due regard to the traffic surface and width of the highway and of any other restrictions or conditions then and there existing and no person shall drive any vehicle upon a highway at such a speed as to endanger the life limb or property of any person nor at a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead . . .

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit . . . . .

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children or going to or leaving school during opening or closing hours

3 Twenty (20) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where official signs erected by the proper authorities are displayed

All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district or public park area when the driver's view is obstructed except on highways controlled at intersections by peace officer or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

4 Twenty-five (25) or thirty-five (35) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts or public park areas where official signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled or on the left-hand side of one-way streets are displayed This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be an official sign similarly placed as to traffic indicating the end of the limited zone

5 Thirty-five (35) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds while using auxiliary driving lamps as provided for in section eight hundred two (b) . . .

[5] 6 Fifty (50) miles an hour speed limit All vehicles except those otherwise restricted by this act to lower maximum speeds

(c) Subject to the provisions of subsection (a) and (b) of this section it shall be unlawful for the following kind types and classes of vehicles to be operated at a greater speed than hereinafter provided

[For determining the maximum speed of a combination of vehicles the lower speed provided for either of the vehicles in the combination shall govern]

[Class Of Vehicles	Miles Per Hour		
Commercial Motor Vehicles and Truck Tractors	When Equipped With		
	Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
Four-Wheeled (2 Axles)			
R	24	30	35
S	20	30	35
T	20	30	35
U	18	24	35
V	15	24	30
W	15	20	30
Y	12	20	24
Z	10	20	24
Six-Wheeled (3 Axles)			
RZ	20	30	35
SZ	18	24	30
TZ	18	24	30
UZ	15	20	30
VZ	10	20	24
WZ	10	20	24
YZ	10	20	24
ZZ	10	20	24
Semi-Trailer (Two-Wheeled)			
A	24	30	35
B	20	30	35
C	20	30	35
D	20	30	35
E	18	24	30
F	18	24	30
G	15	24	30

Class Of Vehicles	Miles Per Hour		
Trailer or Semi-Trailer	When Equipped With		
Four-Wheeled (2 Axles)	Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
A	24	30	35
B	20	30	35
C	20	30	35
D	18	24	30
E	15	20	30
F	12	20	24
G	10	20	24
Trailer			
Six-Wheeled (3 Axles)			
AZ	20	30	35
BZ	18	24	30
CZ	15	20	30
DZ	10	20	24
EZ	10	20	24
FZ	10	20	24
GZ	10	20	24
Motor Buses and Omnibuses			
B	30	30	
C	30	30	35
D	30	30	35
E	30	30	35]

Commercial motor vehicles and truck tractors R class fifty miles per hour

Motor buses and omnibuses forty miles per hour

Commercial motor vehicles and trucks tractors S T and U classes forty miles per hour

Commercial motor vehicles and truck tractors V and W classes thirty-five miles per hour

All other commercial motor vehicles and truck tractors thirty miles per hour

All combinations of commercial motor vehicles or truck tractors and trailers or semi-trailers thirty miles per hour

(d) (1) When the rate of speed of any vehicle is timed on any highway within a business or residence district where official speed limit signs are erected as provided in this section for the purpose of ascertaining whether or not the operator of such vehicle is violating a

speed provision of this act such time shall be taken by not less than two (2) peace officers one of whom shall have been stationed at each end of a measured stretch and no conviction shall be had upon the unsupported evidence of one (1) peace officer except as hereinafter provided and no such measured stretch shall be less than one-eighth (1/8) of a mile in length Under all other conditions the rate of speed shall be timed for a distance of not less than one quarter (1/4) mile by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation An official certificate from an official speedometer testing station showing such test was made that the speedometer was adjusted for accuracy the date thereof and the degree of accuracy of such speedometer after adjustment shall be competent and prima facie evidence of the fact that such certificate was issued by an official speedometer testing station appointed by the secretary and of the accuracy of the speedometer in every proceeding where an information is brought charging a violation of this section

(2) The secretary shall have the authority to appoint official stations for testing speedometers and may prescribe regulations as to the manner in which such tests shall be made and shall issue to such stations official inspection certificate forms

(e) In every information charging violation of this section reference shall be made to this section and subsection alleged to have been violated specifying the speed at which the defendant is alleged to have driven

(f) The speed limitations set forth in this section shall not apply to vehicles when operated with due regard for safety under the directions of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation nor to fire department or fire patrol vehicles when traveling in response to a fire alarm nor to ambulances when traveling in emergencies The exemptions shall not however protect the driver of any such vehicle from the consequenses of a reckless disregard of the safety of others

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 25 Section one thousand eight of said act which was amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) and which was amended in part by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1718) is hereby further amended to read as follows

Section 1008 Limitations on Privilege of Overtaking and Passing

(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking or passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking or passing to be made in safety

(b) The driver of a vehicle shall not overtake or pass another vehicle proceeding in the same direction when approaching the crest of a grade nor upon a curve in the highway where the drivers view along the highway is obstructed within a distance of [three hundred (300)] five hundred (500) feet ahead except on a highway having two (2) or more lanes for movement of traffic in one direction the driver of a vehicle may overtake or pass another vehicle Provided That on a highway within a business or residence district having two (2) or more marked lanes for movement of traffic in one direction the driver of a vehicle may overtake or pass another vehicle on the right

(c) The driver of a vehicle shall not overtake or pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highways unless such intersection or crossing is controlled by traffic signals or unless permitted so to do by a watchman or peace officer except on a highway having two (2) or more lanes for movement of traffic in one direction the driver of a vehicle may overtake or pass another vehicle Provided That on a highway within a business or residence district having two (2) or more marked lanes for movement of traffic in one direction the driver of a vehicle may overtake or pass another vehicle on the right Nothing in this subsection shall be construed to prohibit a driver overtaking or passing upon the right another vehicel which is making or about to make a left turn

(d) The driver of a vehicle shall not overtake or pass or attempt to pass any other vehicle proceeding in the same direction between any points indicated by the placing of official temporary warning or caution signs indicating that men are working on the highway

(e) The driver of a vehicle shall not overtake or pass or attempt to overtake or pass any other vehicle proceeding in the same direction in any "no passing zone"

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 26 Section one thousand twelve of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 1012 Signals on Starting Stopping or Turning

(a) The driver of any vehicle upon a highway before starting stopping or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn and whenever the operation of any other vehicle approaching or following may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement

(b) The signal herein required shall be given [either] by means of the hand and arm in the manner herein specified or by an approved mechanical or electrical signal device [except that] when the secretary finds that a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible to the front and rear the signal shall be given by a device of a type which at the time of its use is approved by the secretary

(c) Whenever the signal is given by means of the hand and arm the driver shall indicate his intention to start stop or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle or if he is driving a closed vehicle by his hand and arm in such a way as to be visible through the window in the rear of the vehicle

(d) The secretary is hereby authorized and it shall be his duty to make rules and regulations not inconsistent with this act for the efficient administration of this section excepting that he shall make no [ruling] finding under subsection (b) of this section relating to mechanical or electrical signal devices [under this section] affecting commercial vehicles which measure less than thirteen (13) feet from the center of the top of the steering column to the rear end of such vehicle or when the body of such vehicle extends less than twenty (20) inches to the left of the center of the top of the steering column

(e) All mechanical or electrical signal devices shall be maintained at all times in good working order

(f) No driver of any vehicle upon a highway shall give a signal indicating a stop start or turn unless such signal is required by this act

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (e) or (f) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 27 The penalty clause of section one thousand twenty of said act is hereby amended to read as follows

Section 1020 Parking in Front of Fire Hydrant Fire Station or Private Driveway * * * *

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than two ($2) dollars nor more than ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 28 Section one thousand twenty-three of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 1023 Tampering with Vehicles

(a) No unauthorized person shall sound the horn handle the levers or set in motion or in any way tamper with or damage or deface any motor vehicle standing upon any highway

(b) No person shall hang on to or ride on the outside or the rear end of any vehicle and no person on a bicycle roller skates sled or any similar device shall hold fast to or hitch on to any moving vehicle and no operator of a vehicle shall knowingly permit any person to hang on to or ride on the outside or rear end of the vehicle which he is operating or allow any person on a bicycle roller skates sled or any similar device to hold fast or hitch on to the vehicle which he is operating on any public highway and no owner of a vehicle if present shall knowingly permit any person to operate any vehicle under his control in violation of this subsection

(c) No person shall throw any missile circular or pamphlet at the occupants of any vehicle or throw or place any substance upon any public highway injurious or damaging to the highway or a vehicle or the tires thereof

Penalty Any person violating any of the provisions of subsection (a) or (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsection (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 29 Section one thousand thirty of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1030 Soliciting Sale of Goods Merchandise Tickets and Contributions No person or persons shall stand on a highway to stop impede hinder or delay the progress of any vehicle for the purpose of soliciting the purchase of goods merchandise or tickets or for the purpose of soliciting contributions for any cause whatsoever nor shall any person stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked and the only question of law and fact in determining guilt under this section shall be whether goods merchandise or tickets were tendered or offered for sale or whether a contribution was solicited or whether such service was offered or implied Provided however That the provisions of this section shall not apply to the solicitation or sale of toll bridge tickets

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

The thirtieth section was read as follows:

Section 30 Section one thousand thirty-three of said act as added by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby repealed

On the question,

Will the House agree to the section?

Messrs. HOLLAND and KANE. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 30, page 69, lines 22 to 25, both inclusive, by striking out: all of said lines

Amend Bill, page 70, by inserting between lines 20 and 21 the following:

"Section 30. Section one thousand one hundred four of said act is hereby amended to read as follows:

Section 1104. Rights of Operators on Highways. Operators of motor vehicles shall have the same right upon the highways as the drivers of other vehicles and no highway open to other vehicles shall be closed to motor vehicles except as otherwise provided in this act: Provided, That it shall be unlawful to operate any commercial motor vehicle, truck, tractor, trailer or semi-trailer, except commercial motor vehicles of the A class as defined in section nine hundred and three of this act on any public highway except as hereinafter provided between the hours of six ante meridian and twelve midnight on any Sunday or legal holiday or during the period commencing with the Saturday before Decoration Day and ending with the Saturday following Labor Day, between the hours of one post meridian and eleven post meridian on any Saturday. The Department of Revenue with the approval of the Department of Highways shall designate a limited number of through routes upon which all commercial motor vehicles, trucks, tractors, trailers and semi-trailers may be operated during such hours on Saturdays, Sundays and holidays.

Penalty. Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution an dindefault of the payment thereof shall undergo imprisonment for not more than ten (10) days"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question recurring.

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend by striking out Section 30, lines 22 to 25 inclusive, page 69.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-first section was read as follows:

Section 31 Clause (g) of section one thousand one hundred ten of said act as added by the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1718) is hereby amended to read as follows

Section 1110

* * * *

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provision of this act and the regulations of the Secretary of Highways but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty-two unless extension of time shall be granted by the Secretary of Highways in each specified case

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 31, line 21, page 70, by striking out the figures "31," and inserting in lieu thereof the figures "30."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-second section was read as follows:

Section 32 Sections one thousand two hundred one one thousand two hundred seven and one thousand two hundred eleven of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) are hereby further amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before a magistrate within the city borough incorporated town or township where the alleged violation occurred of if there is no person holding the office of magistrate in such city borough incorporated town or township then such information shall be brought before a magistrate in any adjoining city borough incorporated town or township within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender and information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered and excepting further that information charging violations of the provisions of [section 406.1 or section 610.1] sections 207 210 212 406.1 610.1 and 620 (j) of this act may be brought within fifteen (15) days after it is discovered that a violation of [either] any of these sections has been committed

(b) Where the offense committed is designated a felony or misdemeanor information may be filed as now provided by law

Section 1207 Disposition of Fines and Forfeitures

(a) All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited shall be paid to the department and transmitted to the State Treasury and credited to the "General Fund" except those collected for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) one thousand and twenty-eight (1028) of this act committed within cities boroughs incorporated towns and townships which fines and penalties and all bail forfeited shall be paid to the treasurer of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof Provided That all fines and penalties collected and all bail forfeited for violations of the provisions of section one thousand and sixteen (1016) committed within cities boroughs [and] incorporated towns and townships shall be paid to the treasury of the city borough [or] incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof And provided further That all fines and penalties collected and all bail forfeited for violations of the provisions of subsection (f) of section six hundred twenty (620) shall be paid to the treasury of the county wherein the violation occurred to be used by such county for the payment of physicians' fees for the examination of persons accused of violating the provisions of the said section Any balance remaining in the treasury of the county at the expiration of the calendar year and not payable for physicians' services rendered shall be used for county highway purposes

(b) Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate or other officer imposing or receiving the same to the secretary upon forms furnished by the department such reports shall be made monthly not later than the tenth (10th) day of the following month

Penalty Any magistrate or other officer who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of five hundred ($500.00) dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 1211 Limitation of Authority for Pennsylvania Motor Policemen Such employes of the Commonwealth as are designated as Pennsylvania Motor Policemen are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view on Sunday or any other day when in uniform without writ rule order or process any person violating any of the provisions of this act in addition to any other power or authority conferred by law

Whenever an arrest is made upon view on Sunday or any other day under the provisions of this section the officer making the arrest shall forthwith take the defendant before a magistrate nearest available in the city borough incorporated town or township where the alleged offense occurred or in any adjoining city borough incorporated town or township and shall make and file with the magistrate before whom the arrested person is taken an information setting forth in detail the offense and at once furnish a copy thereof to the person arrested

Any person so arrested on any day other than Sunday shall be given the opportunity of having an immediate hearing or of giving bail and any person so arrested on Sunday shall be given the opportunity of giving bail which shall be accepted by the magistrate the same as on any other day as provided in this act for a hearing before the magistrate to be held at a date not more than ten days from the date of such arrest or of waiving a hearing and giving bail for his appearance in court

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 32, line 10, page 71, by striking out the figures "32" and inserting in lieu thereof the figures "31".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-third section was read as follows:

Section 33 Section one thousand two hundred twenty of said act is hereby amended to read as follows

Section 1220 Garage Keepers to Report Abandoned Motor Vehicles

(a) The person in charge of any garage or repair shop in which has been left a motor vehicle of unknown ownership for a period of fifteen (15) consecutive days without being removed by its owner or any other person duly authorized to remove same shall report to the department with twenty-four (24) hours of the elapse of such fifteen (15) day period giving the name engine

number manufacturer's serial number registration plate number and the name and address of the person abandoning same if known

(b) Upon receipt of such report in the department it shall be the duty of the secretary to make a distinctive record thereof and file the same in the manner provided in section two hundred and nine (209) of this act

(c) The secretary may authorize the destruction of abandoned or wrecked motor vehicles placed in storage by police authorities when it is found after investigation by the secretary that the vehicle is of no value and the whereabouts of the owner is unknown Such investigation shall be completed and authority for the destruction granted within sixty (60) days of the time such matter shall have been brought to the attention of the secretary

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 33, line 8, page 75, by striking out the figures "33," and inserting in lieu thereof the figures "32."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend the act to reenact and amend section two hundred twelve and to repeal section one thousand thirty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealt providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended further amplyfying and changing the provisions of said act relating to certificates of title the correction cancellation and assignment thereof notices contained therein and the rights of persons to apply for receive and possess such certificates as agents and declaring liens and encumbrances shown on such certificates to be lawful notice thereof to the Commonwealth creditors and purchasers further regulating the registration and operation of certain motor vehicles trailers and semi-trailers the application for and suspension of operators licenses the use of registration tags in certain cases and the lawful weight size equipment and speed of such vehicles removing certain exemptions and providing new exemptions from the various provisions of said act providing for the suspension of inspection stations appeals from such suspension and the appointment and regulation of new ones by the Secretary of Revenue authorizing the destruction of certain motor vehicles by the secretary restricting the transportation of explosives authorizing the arrest and prosecution of and entry of bail by offenders on Sunday changing the time when prosecution may be brought for certain offenses making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings changing fees disposing of certain fines and penalties and forfeited bail and changing and imposing new penalties . . .

On the question,

Will the House agree to the title?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend the title, line 11, by striking out the brackets before and after the word "and."

Amend the title, lines 2 and 3, by striking out the words "and to repeal section one thousand thirty-three."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

Mr. TROUT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title of House Bill No. 1423, Printer's No. 727, by striking out in lines 1 and 2 of the title after the word "amend" the following words: "(the act to re-enact and amend Section 212)" and inserting in lieu thereof the following words: "certain sections and clauses of"

On the question,

Will the House agree to the amendment?

Mr. TROUT. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER. The gentleman from Lancaster, Mr. Trout, asks unanimous consent to withdraw his amendment. Is there objection? The Chair hears none and the amendment is withdrawn.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1456, (Senate Bill No. 140), entitled:

An Act affecting cities of the second class A authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of elections and officers of boroughs townships and cities of the second class A and providing for the payment of the indebtedness of the various territorial units involved

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1492, (Senate Bill No. 796), entitled:

An Act to amend section nine of the act, approved the twenty-second day of December one thousand nine hundred thirty-three (P. L. 108), entitled "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River, and the issuance of permits therefor," by providing for the assignment of such permits in certain cases, and making further provision with respect to the collection of tolls.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1491, (Senate Bill No. 795), entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing, construction, operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution of trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 1481, Senate Bill No. 537, Printer's No. 183 and House Bill No. 1444, Senate Bill No. 460, Printer's No. 260 were passed over at the request of the SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 852, as follows:

An Act to amend clause (c) of section thirty-one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by changing the provision requiring certain public service companies to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty-one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) All public service companies furnishing electricity or gas to householders in any city shall report in writing [at least once each month] from time to time to the registration commission upon the request of the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them All persons firms and corporations operating vehicles for moving funiture and household goods in any city of the first class shall report in writing from time to time to the registration commission upon the request of the commission all cases of removals of furniture and household goods together with the names of such persons whose furniture or household goods have been removed and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the addresses given in said report and to all members of his family and household who are electors registered from the same addresses the notice provided for by section thirty-two of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1477, (Senate Bill No. 743), entitled:

An Act to amend subsection VII of section three of the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," permitting such credit unions to invest funds in loans to other credit unions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1473, (Senate Bill No. 198), entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds or other obligations of corporations when such mortgages bonds or obligations contained minor defects

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1458, (Senate Bill No. 158), entitled:

An Act to amend section one thousand two hundred six of and to add section one thousand two hundred six and one-tenth to the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election and imposing additional duties upon the counsels for the county boards of elections

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1469, (Senate Bill No. 642), entitled:

An Act to further amend Section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and childrens' exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by making further provision for the investment of trust funds in interest-bearing deposits

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1452, (Senate Bill No. 513), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing and clarifying the provisions of the act relating to the corporate name.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1453, (Senate Bill No. 515), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the court of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by modifying changing and clarifying certain provisions of the act relating to the corporate name

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1390, (Senate Bill No. 249), entitled:

An Act to amend section twenty-six of the act approved the second day of May one tousand nine hundred and twenty-nine (Pamphlet Laws 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1502, (Senate Bill No. 748), entitled:

An Act to amend section forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to provide for the preservation of registration records

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1503, (Senate Bill No. 749), entitled:

An Act to amend section thirty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to provide for the preservation of registration records

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1504, (Senate Bill No. 750), entitled:

An Act to amend sections thirty-three and thirty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1505, (Senate Bill No. 751), entitled:

An Act to amend sections thirty-two and thirty-three of act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefore and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" to eliminate the necessity for the commission to prepare and distribute preliminary street lists

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1506, (Senate Bill No. 457), as follows:

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That corporations may be formed in the manner mentioned herein by the voluntary association of five or more persons or as otherwise provided herein for the purpose of producing dealing in transporting storing and supplying natural gas to such persons corporations or associations within convenient connecting distance of its line of pipe as may desire to use the same upon such terms and under such reasonable regulations as the gas company shall establish and when so formed each of them by virtue of its existence as such shall have the following powers

I To have succession by its corporate name for the period limited by its charter and when no period is limited thereby perpetually subject to the power of the general assembly under the constitution of the commonwealth

II To maintain and defend judicial proceedings

III To make and use a common seal and alter the same at pleasure and have a capital stock not exceeding five million dollars divided into shares such as each company may determine

IV To produce mine own deal in transport store and supply natural gas for either light heat or both or other purposes and have all the rights and privileges necessary or convenient therefor

V To hold acquire purchase take receive maintain lease own and use mortgage sell and transfer such real and personal property including pipes tubing tanks office and such other machinery devices or arrangements situated in or out of this Commonwealth as the purposes of the corporation requires to purchase take acquire own hold and use the rights franchises property and privileges of any other natural gas company incorporated under the laws of this Commonwealth or of any other State or Commonwealth so that all the property rights powers franchises and privileges then by law vested in such other corporation shall be transferred to and vested in the corporation purchasing taking or acquiring the same and to have and possess the right also to enter upon take and occupy such lands easements and other property as may be required for the purpose of laying its pipes for transporting and distributing gas

VI To appoint and remove such subordinate officers and agents as the business of the corporation requires and to allow them suitable compensation

VII To make by-laws not inconsistent with the law for the election and regulation of its directors and officers the management of its property the regulation of its affairs and the subscription collection and transfer of its stock

Section 5 When and as often as any such corporation shall be desirous of enlarging or altering its territory of production or of supply for consumption both or either of them and its pipe line or lines and branches it shall thereupon make under its common seal and deposit in the office of the secretary of the Commonwealth a certificate setting forth the particulars of such enlargement and alteration and except where the enlargement or alteration is outside this commonwealth shall record in the office of the recorder of deeds of the county or counties to which the enlargement or alteration applies a copy of the certificate and thereupon and thereafter the rights powers and duties of the corporation shall be as to the extension of its business and lines as if the same had been originally provided for and embodied in its charter

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1501, (Senate Bill No. 505), entitled:

An Act validating purchases heretofore made by bank and trust companies trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1389, (Senate Bill No. 248), entitled:

An Act to amend section fifteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction. and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1485, (Senate Bill No. 156), entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred and seven (P. L. 527), entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1475, (Senate Bill No. 591), entitled:

An Act to amend section one of the act, approved the seventh day of June one thousand nine hundred seventeen (P. L. 337), entitled "An act relating to the jurisdiction, powers, and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate, and for the sale of real estate for the purpose of distribution; and the fees, costs, and expenses therein," by extending the jurisdiction of the orphans' court to include

partition proceeding between heirs of a deceased co-tenant and the surviving co-tenant.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1487 (Senate Bill No. 585), as follows:

An Act to amend clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide water systems fire hydrants and hose to pay for and maintain the same by tax levy or from revenues derived from the general road tax

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause three of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

III Contracts [and] Payments or Tax Levy for Fire Purposes On the Petition of the owners of a majority of the lineal feet frontage along any [highway] highways streets roads and alleys or portion thereof in any village within the township to enter into contract with water companies for the placing of fire hydrants along said [highway] highways streets roads and alleys or to provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire

The supervisors shall levy for the maintenance of such fire hydrants and for the purchase of hose et cetera an annual tax upon the property abutting said [highway] highways streets roads and alleys in the district benefitted thereby based upon the assessment for county purposes [Such] or the supervisors may pay for the same from revenues derived from the general road tax If the supervisors shall levy an annual tax such tax shall be collected in the same manner as other taxes The collector shall receive the same commission as on the road tax

The township treasurer shall receive all such taxes collected for fire protection and keep the same in a separate account and pay the same out only upon orders signed by the chairman of the board of supervisors attested by the secretary The treasurer shall make a report to the auditors of the township annually

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1274, as follows:

An Act providing for the fixing and taxing of additional costs in appeals taken to the Supreme and Superior Courts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas many cases at law are appealed for the purpose of delaying the cause of justice and for the purpose of causing additional expenses to the successful party in a litigation before the lower court and

Whereas regardless of the cause of said appeals the actual effect thereof is to prolong the case and to cause considerable expense to the person or persons entitled to recovery which recovery can only be sustained by the expenditure of a considerable sum of money by the appellee to maintain the decision rendered in his favor in the lower court with the result that many persons who are entirely right in the cause before the court are compelled by financial circumstances to compromise when there is no just reason for such compromise and

Whereas unnecessary appeals confuse our higher courts thereby delaying procurement of justice by the people therefore

Section 1 Whenever any litigant in any civil case tried or heard in any court of record within the Commonwealth has been awarded a verdict or recovered judgment and such verdict or judgment has been sustained by the Supreme or Superior Court on appeal such appellate court shall fix and cause to be taxed as part of the costs to be paid by the appellant a reasonable fee for the attorney for the appellee in defending and sustaining such verdict or judgment upon such appeal

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1465, Senate Bill No. 419, Printer's No. 130 was passed over at the request of Mr. WOODSIDE.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1498 (Senate Bill No. 675), entitled:

An Act for the registration and regulation of certain individuals and entitles selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange. securities defined herein, including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1412, Senate Bill No. 431, Printer's No. 77 was passed over at the request of Mr. WOODSIDE.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1493 (Senate Bill No. 761), entitled:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) en-

titled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 40, entitled:

An Act to further amend subsection two of section one and section three of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by creating the office of Secretary of the House of Representatives creating the office of executive secretary to the chief clerk and Secretary fixing their compensation and the duties of the Secretary and providing for their election and appointment

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection two of section one and section three of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" as amended by the act approved the second day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 31) are hereby further amended to read as follows

II In the House of Representatives there shall be in addition to the Speaker as provided for by the Constitution one chief clerk one assistant clerk one Secretary of the House one journal clerk one assistant journal clerk one reading clerk one assistant reading clerk two desk clerks one message clerk nine clerks in the transcribing room one of whom shall be a competent typewriter one clerk to prepare the history of legislation in the House one sergeant-at-arms one chief assistant sergeant-at-arms who shall be the chief doorkeeper sixteen assistant sergeants-at-arms one postmaster one assistant postmaster one messenger three assistant messengers one superintendent of folding room eight pasters and folders one Speaker's clerk one stenographer to the Speaker one executive secretary to the chief clerk and Secretary of the House one chief stenographer [and one stenographer] to the chief clerk one messenger in the House library one chaplain one day watchman one night watchman fifteen clerks to committees two custodians of committee rooms one custodian of the hall of the House four assistant custodians of the hall of the House one custodian of washroom one custodian of basement one superintendent of storerooms one Speaker's page one chief page and twenty pages The clerk the stenographer and the page to the Speaker shall be appointed by the Speaker the executive secretary to the chief clerk and Secretary of the House the chief stenographer [and the stenographer] to the chief clerk the superintendent of the storerooms the clerk to prepare the history of legislation in the House the messenger in the House library and the assistant custodians of the hall of the House shall be appointed by the chief clerk but all the other officers and employes shall be elected by the House of Representatives unless otherwise specified

Section 3 From and after June thirtieth one thousand nine hundred and nineteen the compensation of the officers and employes of the General Assembly hereinbefore provided for shall be as follows to wit The President pro tempore of the Senate and the Speaker of the House of Representatives in addition to their salaries as members of the Legislature shall each receive one thousand dollars for each regular biennial session and five hundred dollars for each special or extraordinary session the secretary of the Senate shall receive the sum of seven thousand five hundred dollars per annum the chief clerk of the Senate shall receive six thousand dollars per annum the chief clerk of the House of Representatives shall receive seven thousand five hundred dollars per annum the assistant clerks of the Senate and House of Representatives shall each receive two thousand dollars for each regular biennial session and ten dollars per diem for each special or extraordinary session and one hundred and seventy-five dollars per month during the interim between legislative sessions the Secretary of the House of Representatives shall receive six thousand dollars per annum the librarian of the Senate shall receive four thousand five hundred dollars per annum the assistant librarian of the Senate shall receive three thousand six hundred dollars per annum the executive secretary to the chief clerk and Secretary of the House of Representatives shall receive three thousand six hundred dollars per annum the journal and reading clerks shall each receive two thousand dollars for each regular biennial session and ten dollars per diem for each special or extraordinary session the desk clerks assistant reading clerks assistant journal clerks and executive clerk shall each receive eighteen hundred dollars for each regular biennial session and ten dollars per diem for each special or extraordinary session For each regular biennial special or extraordinary session the message clerks sergeants-at -arms and the clerks having in charge the preparation of the Senate and House histories shall each receive eight dollars per diem for each regular biennial special or extraordinary session the assistant to the secretary of the Senate shall receive ten dollars per diem and two hundred dollars per month during the interim between legislative sessions for each regular biennial special or extraordinary session the stenographers to the Senate librarian and the chief stenographer to the chief clerk shall each receive eight dollars per diem and one hundred and fifty dollars per month during the interim between legislative sessions or each regular biennial special or extraordinary session the clerks in the transcribing rooms the clerks to committees chaplains clerks to President pro tempore and Speaker postmasters chief assistant sergeant-at-arms stenographers to the President pro tempore stenographer to the Speaker of the House [stenographers] Stenographer to the chief [clerks] Clerk of the Senate superintendents of folding rooms and the assistant sergeant-at-arms shall receive seven dollars per diem for each regular biennial special or extraordinary session the assistant postmasters messengers assistant messengers pasters and folders the custodians of committee rooms and the custodian of the washroom of the House of Representatives shall each receive six dollars per diem the superintendents of the storerooms of the Senate and House of Representatives shall each receive two thousand four hundred dollars per annum the messenger in the Senate library and the messenger in the library of the House of Representatives shall each receive twelve hundred dollars per annum the custodian of the Senate Chamber and the custodian of the hall of the House of Representatives the watchmen of both Houses the custodian of the washroom of the Senate the custodian of the basement of the Senate and the custodian of the basement of the House of Representatives shall each receive the sum of one hundred and fifty dollars per month for each regular biennial special or extraordinary session the assistant custodians of the Senate Chamber and the hall of the House of Representatives shall each receive three dollars per diem and seventy-five dollars per month during the interim between legislative sessions for each regular biennial special or extraordinary session the page to the President the page to the President protempore the Speaker's page and the chief pages shall each receive three dollars per diem and the pages shall each receive two dollars per diem the clerk to the President shall receive fifteen hundred dollars per annum and the stenographer to the President shall receive one thousand two hundred dollars per annum

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 1 and 2, by striking out the following: "and section three"

Amend Sec. 1 (Subsec. 2), page 2, lines 24 and 25, by striking out the following: "one executive secretary to the chief clerk and [resident clerk] Secretary of the House"

Amend Sec. 1 (Subsec. 2), page 2, line 26, by striking out: the light-face bracket before the word "and" and after the word "stenographer"

Amend Sec. 1 (Subsec. 2), page 3, lines 6 to 8, by striking out the following: "the executive secretary to the" in line 6, all of line 7, and the words "of the House" in line 8.

Amend Sec. 1 (Subsec. 2), page 3, lines 8 and 9, by striking out: the light-face bracket before the word "and" and after the part-word "stenographer"

Amend bill, page 3, by inserting between lines 15 and 16 the following section: " Section 2. Section three of said act as amended by the act, approved the second day of March, one thousand nine hundred and thirty-seven (P. L. 31), is hereby further amended to read as follows:"

Amend Sec. 1 (Sec. 3), page 3, line 28, by striking out with light-face brackets the following: "seven thousand five"

Amend Sec. 1 (Sec. 3), page 4, line 1, by striking out with light-face brackets the following: "hundred" and inserting in lieu thereof: "six thousand"

Amend Sec. 1 (Sec. 3), page 4, line 7, by striking out the following: "six" and inserting in lieu thereof: "five"

Amend Sec. 1 (Sec. 3), page 4, lines 11 to 14, by striking out the following: "the executive secretary to the chief" in line 11, all of lines 12 and 13, and the word "annum" in line 14.

Amend Sec. 1 (Sec. 3), page 5, line 9, by striking out: the light-face brackets before and after the word "stenographers"

Amend Sec. 1 (Sec. 3), page 5, line 9, by striking out the word: "Stenographer"

Amend Sec. 1 (Sec. 3), page 5, line 10, by striking out: the light-face brackets before and after the word "clerks"

Amend Sec. 1 (Sec. 3), page 5, line 10, by striking out the following "Clerk of the Senate"

On the question,

Will the House agree to the amendments?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permithimself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that this bill decreases the compensation of the Chief Clerk of the House?

Mr. WOODSIDE. Mr. Speaker, that is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, will that effect the salary of our present Chief Clerk?

Mr. WOODSIDE. Mr. Speaker, the bill becomes effective immediately upon its enactment.

Mr. HERBERT B. COHEN. Mr. Speaker, my inquiry was whether or not it will effect the salary of the present Chief Clerk?

Mr. WOODSIDE. Mr. Speaker, in my opinion it will.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that the amendment to this bill also establishes the office of Secretary of the Senate?

Mr. WOODSIDE. Mr. Speaker, Secretary to the House.

Mr. HERBERT B. COHEN. Secretary to the House, Mr. Speaker?

Mr. WOODSIDE. That is correct.

Mr. HERBERT B. COHEN. And at what salary?

Mr. WOODSIDE. Five thousand dollars a year.

Mr. HERBERT B. COHEN. Mr. Speaker, I do not wish to take advantage of the lateness of the hour, but I surely wish to oppose the insertion of these amendments, or any action whatsoever upon this bill. The gentleman from Dauphin, I feel sure, is in error. The present salary of our Chief Clerk cannot be reduced during the tenure of his office. Due to long established legal principles the salary of an official cannot be reduced during his tenure, and under those circumstances a reduction of the salary of the Chief Clerk will not be effective until the present incumbent dies or the tenure of his office has terminated.

Secondly, I object to these amendments because they increase to the tune of five thousand dollars the cost of operating this House, obviate the reduction in personnel that was made in the 1937 session, and increase the budget of the House to the amount specified in the bill.

MOTION TO LAY ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the amendments be laid upon the table so that a vote need not be taken on this measure.

On the question,

Will the House agree to the motion?

MOTION TO LAY ON TABLE WITHDRAWN

Mr. HERBERT B. COHEN. Mr. Speaker, under agreement with the majority floor leader, and in consideration of the representations made by him, I will withdraw the motion to lay the bill together with the amendments upon the table.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 The resident clerk of the House of Representatives shall perform the duties heretofore performed by the resident clerk and assistant resident clerk of the House of Representatives

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 6, line 13, by striking out the figure: "2" and inserting in lieu thereof: "3"

Amend Sec. 2, page 6, line 13, by striking out the following; "resident clerk" and inserting in lieu thereof: "Secretary"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Immediately upon the final enactment of this act the House of Representatives shall elect a resident clerk and the chief clerk shall appoint an executive secretary to

the chief clerk and resident clerk who shall serve until ten days after the opening of the next General Assembly or until their successors are selected and have qualified

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 6, line 17, by striking out the figure: "3" and inserting in lieu thereof: "4"

Amend Sec. 3, page 6, lines 18 and 19, by striking out the following: "the House of Representatives shall elect a resident clerk and"

Amend Sec. 3, page 6, lines 19 and 20, by striking out the following: "an executive secretary to the chief clerk and resident clerk" and inserting in lieu thereof: " a competent person as Secretary of the House of Representatives"

Amend Sec. 3, page 6, line 22, by striking out the following: "their successors are" and inserting in lieu thereof: "his successor is"

Amend Sec. 3, page 6, line 22, by striking out the following: "have" and inserting in lieu thereof: "has"

Amend Sec. 3, page 6, line 22, by inserting after the word "qualified" the following: "Thereafter at the opening of every regular session of the General Assembly, the members of the House of Representatives shall elect a competent person to serve as Secretary of the House of Representatives."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Section three of the act approved the second day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 31) entitled "An act to amend subsection II of section one and section three of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred seventeen) entitled 'An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies' by abolishing the offices of resident clerk and assistant resident clerk in the House of Representatives imposing additional powers and duties upon the chief clerk of the House of Representatives and increasing his salary" is hereby repealed

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4, page 6, lines 23 to 29, both inclusive, by striking out: all of said lines.

Amend Sec. 4, page 7, lines 1 to 7, both inclusive, by striking out: all of said lines.

Amend bill, page 7, by inserting between lines 7 and 8 the following section: "Section 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

On the question.

Will the House agree to the amendments?

They were agreed to.

On the question.

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5, page 7, line 8, by striking out the figure: "5" and inserting in lieu thereof: "6"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to further amend subsection two of section one and section three of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by creating the office of Secretary of the House of Representatives creating the office of executive secretary to the chief clerk and Secretary fixing their compensation and the duties of the Secretary and providing for their election and appointment

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 10 and 11 of title, by striking out the following: "creating the" in line 10, and all of line 11.

Amend title, page 1, lines 12 and 13 of title, by striking out the following: "Secretary fixing their compensation and the duties of the"

Amend title, page 1, lines 13 and 14 of title, by striking out the word: "Secretary" in line 13, and all of line 14, and inserting in lieu thereof: "providing for the appointment of the first Secretary and the election of such officer thereafter; fixing his compensation; and prescribing his duties; and further fixing the compensation of the Chief Clerk of the House of Representatives."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

The SPEAKER. House Bill No. 374, Printer's No. 821, on final passage recalled from the Governor is not on file and will be passed over.

There being no objection House Bill No. 670, Senate Bill No. 206, Printer's No. 287, was passed over at the request of Mr. HERBERT B. COHEN.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1126, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts fixing a maximum salary for the executive director of the commission further revising the provisions of said act relating to the hunting privileges of certain minors the hours and seasons open for and lawful methods of hunting and trapping the possession and transportation of game fur-bearing animals and firearms hunting big game by groups and certain regulatory powers of the commission authorizing the establishment of wild life refuge projects by sportsmen's organizations fixing bounties on weasels and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 201 205 316 501 601 602 and 603 of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 201 Appointment of Pennsylvania Game Commission An independent administrative commission to be known as the Pennsylvania Game Commission is hereby created The commission shall consist of eight competent citizens of this State who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate The members of the commission shall be [so appointed that they shall fairly represent the several geographical sections of the State and shall be] well informed on the subject of wild life conservation and restoration and shall hereafter be appointed from the various geographical sections of the Commonwealth so that one and only one member shall be a resident of each of the following districts

(a) One from the Counties of Erie Crawford Mercer Lawrence Venango Butler Warren Forest and Clarion constituting the first district

(b) One from the Counties of Beaver Allegheny Washington Green Armstrong Indiana Westmoreland and Fayette constituting the second district

(c) One from the Counties of McKean Elk Jefferson Potter Cameron Clearfield Clinton and Centre constituting the third district

(d) One from the Counties of Cambria Somerset Blair Bedford Huntingdon Fulton Mifflin and Juniata constituting the fourth district

(e) One from the Counties of Tioga Lycoming Union Snyder Bradford Sullivan Columbia Montour and Northumberland constituting the fifth district

(f) One from the Counties of Franklin Perry Cumberland Adams Dauphin York Lebanon and Lancaster constituting the sixth district

(g) One from the Counties of Susquehanna Wyoming Luzerne Lackawanna Carbon Wayne Pike and Monroe constituting the seventh district

(h) One from the Counties of Schuylkill Berks Chester Northampton Lehigh Bucks Montgomery Philadelphia and Delaware constituting the eighth district

The members of the commission shall hold office for terms of eight years each and shall receive no compensation for their services

Five members of the commission shall constitute a quorum for the transaction of business

Except as otherwise provided by this act the Pennsylvania Game Commission shall have and possess all the powers generally conferred and perform all the duties generally imposed upon independent administrative boards and commissions by the Administrative Code of 1929 and its amendments

Section 205 Executive Director Duties and Powers The commission shall select a competent person to be known as the executive director who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission He shall remain such during the pleasure of the commission and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth

No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for selection as executive director

The executive director shall be the Chief Game Protector and shall have charge of direct supervise and control all other game protectors and employes of the commission The compensation of the director shall be fixed by the commission and shall not exceed seven thousand five hundred dollars ($7,500) a year The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office

The director shall occupy as his permanent headquarters the rooms assigned to the commission and shall be supplied from time to time by the Department of Property and Supplies such furniture equipment and office supplies as may be necessary for the use of the Commission

The director shall have authority to have printed the biennial report of the commission and such bulletins literature posters and other printing as may be necessary to the work of the commission including the magazine known as Pennsylvania Game News the subscription rates of which shall be fixed by the commission from time to time Such publication shall at all times be maintained as a nonpartisan publication

Section 316 Certain Acts Declared Unlawful It is unlawful for any person

(a) Except in the defense of person or property to hunt chase shoot at take or kill or pursue with intent to take kill or wound any wild birds or wild animals by any method including the use of dogs without first securing a license and license tag as hereinbefore required and wearing such tag and showing or displaying such license as required by the provisions of this article but nothing in this clause shall be construed to prevent any person under the age of eighteen years to trap for fur-bearing animals or predators without securing a license

(b) Under the age of twelve years to receive a hunting license under any circumstances whatsoever

(c) Under the age of sixteen years to receive a hunting license without presenting a written request therefor bearing the signature of his father or mother or legally constituted guardian

(d) [Under the age of sixteen years to] To use firearms of any kind or a bow and arrow for the purpose of hunting any wild birds or wild animals unless if between the ages of twelve and fourteen accompanied by a parent or guardian or some other member of his family twenty-one years of age or older or if between the ages of fourteen and sixteen years unless accompanied by an adult at least twenty-one years of age unless such hunting is done on the premises whereon such person resides

(e) To procure a license under an assumed name or in which an address other than his legal place or residence is given or to make any false statement whatsoever in securing a license

(f) To lend or transfer a license or tag to another

(g) To issue or aid in securing a license under the provisions of this act for himself or any other person not legally entitled thereto

(h) After a license has been seized by a regular salaried officer of the commission to procure another license under his own or an assumed name or to hunt or trap

anywhere pending the decision of the director or the commission

(i) After being denied the right to hunt or trap by action of the commission or a court to hunt or trap anywhere within the Commonwealth during the period such right has been denied with or without a hunter's license

Section 501 Open Seasons After investigation or information otherwise obtained by the commission as to the annual game supply the commission may by appropriate rules and regulations a summary of which shall be published as hereinafter specified fix seasons shooting hours and daily season and possession limits or remove protection and declare an open season or increase reduce or close seasons or increase or reduce bag limits for all species of game birds and game animals throughout the Commonwealth or in any part thereof or limit the number of hunters in any designated area and prescribe the methods of hunting therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such species or when an unbalanced sex ratio exists which in its opinion should be corrected or when in the opinion of the commission such additional open season will not jeopardize the future supply of game

If in any year the commission fails to establish such seasons or bag limits the open seasons and bag limits for game Sundays excepted unless otherwise provided by this act shall be as below indicated

Kind of Game	Open Season
Raccoon	Oct. 15th to Dec. 31st except as to trapping which shall be from Nov. 15th to Dec. 31st
Wild turkey ruffed grouse male pheasant bobwhite quai' gambel quail valley quail grackles commonly known as blackbirds rabbit hare and gray black and fox squirrel	Nov. 1st to Nov. 30th
Hungarian partridge and Chukar Partridge	No open season except as fixed by resolution of the commission
Red Squirrel	Nov. 1st to Aug. 15th next following
Woodchuck commonly known as groundhog	[Nov. 1st to Sept. 15th] July 1st to Sept. 30th next following
Bear over one year old ..	Nov. 10th to Nov. 25th
Male deer with two or more points to one antler ..	Dec. 1st to Dec. 15th
Deer without visible antlers or horns of such minimum weight or age as shall be fixed by resolution of the commission	No open season except as fixed by resolution of the commission
Elk	No open season except as fixed by resolution of the commission

It is unlawful for any person to kill or attempt to kill or to hunt for or take or have in possession any game bird or game animal at any time of the year other than the open season fixed by resolution of the commission in the manner above provided or as set forth in this section except as elsewhere provided in this act

(a) Hunting at Certain Periods Unlawful If in any year the commission by resolution fixes a later hour than that fixed by this act to begin hunting for game on the first day of any open season it shall be unlawful for any person except in defense of person or property to hunt for chase disturb or take or to attempt to hunt for chase disturb or take any wild bird or wild animal game or otherwise through the use of firearms or a bow and arrow or with dogs on such first day of the season prior to the opening hour so fixed

[During the five days preceding the open season for deer as fixed either by this act or by resolution of the commission it shall be unlawful for any person except in defense of person or property to hunt for pursue or take or attempt to hunt for pursue or take wild birds or wild animals of any kind through the use of a rifle or any other firearm discharging but one ball or pellet at a single discharge or to have in possession while hunting any rifle cartridges or single-ball shotgun shells during such five-day period]

(b) Raccoons Not to Be Trapped Exceptions Except in defense of person or property it is unlawful for any person to take or attempt to take raccoons through the use of traps or deadfalls except in such county or counties as the commission may by proper resolution public notice of which shall be given as hereinafter provided declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping In counties so declared open to the use of traps and deadfalls raccoons shall not be taken through such devices prior to the open season for the trapping of muskrats

(c) Special Permits for Anterless Deer In any year during which the commission by resolution declares in open season for deer without visible antlers it is hereby empowered to issue special permits to hunt for or kill such deer at a fee of two dollars under such rules and regulations as it may deem necessary to limit the number of persons who may hunt for such deer in any portion of the Commonwealth provided public notice of such action is given as hereinafter required When the commission adopts and promulgates such rules and regulations it is unlawful for any person to hunt for any deer without visible antlers without such a special antlerless deer permit or to take such deer contrary to the rules and regulations adopted by the commission

Section 601 Open Season for Fur-Bearing Animals After investigation or upon information otherwise obtained by the commission as to the annual supply of fur-bearing animals the commission may by appropriate rules and regulations a summary of which shall be published as hereinbefore specified fix seasons trapping hours and daily season and possession limits or remove protection or increase or reduce seasons and bag limits for any or all species of fur-bearing animals throughout the Commonwealth or in any part thereof or limit the number of trappers in any designated area and prescribe the methods of trapping therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such animals or to reduce the numbers thereof to safeguard game birds and animals

If in any year the commission fails to establish such seasons and bag and possession limits in the manner herein specified the seasons and bag and possession limits for fur-bearing animals shall be as follows

Kind of Fur-Bearers	Open Season	Bag Day	Limits Season
[Muskrat] Mink and Opossum	Nov. [1st to Feb. 28th] 15th to Jan. 31st next following	Unlimited	Unlimited
[Skunk in counties where the commission has not removed such animal from the list of fur-bearing animals]	[Nov. 1st to Feb. 28th]	[Unlimited	Unlimited]
Beaver	Feb. 15th to Mar. 15th	3	6
Otter	No open season except as fixed by resolution of the commission		
Raccoon	Nov. 15th to Dec. 31st	Unlimited	Unlimited
Muskrat	Dec. 1st to Jan. 31st next following	Unlimited	Unlimited

Section 602 Unlawful Taking Killing Possession Et Cetera of Fur-Bearing Animals Except as otherwise provided in this act it is unlawful for any person to take

kill wound capture or have in possession or attempt to take kill wound or capture any fur-bearing animal except during the open season and in such numbers as fixed by regulations adopted by the commission or fixed by this act or to have in possession the green pelt of any fur-bearing animal or any part thereof except during the open season therefor and for ten days thereafter

[it is unlawful to stake out or set traps for fur-bearing animals prior to the date and hour fixed as the open season for taking such animals]

The term "green pelt" as herein used is defined to mean a pelt which is not dried or cured or tanned The possession of a green pelt or part thereof by any person after the close of the open season shall be prima facie evidence that such pelt or part thereof was unlawfully taken and possessed

It is unlawful to take or attempt to take raccoons through the use of traps or deadfalls in any county which has not been declared open to such trapping by resolution of the commission or to take such animals in counties so declared open to trapping prior to the day and hour fixed as the open season [for trapping muskrats]

It is unlawful to buy or sell or offer to buy or sell or to ship out of this Commonwealth any fur-bearing animals or any part thereof which have been unlawfully taken

This section does not prohibit the possession at any time of fur-bearing animals killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of fur-bearing animals not unlawfully killed or the possession of live fur-bearing animals legally taken within this Commonwealth during the open season Green pelts of fur-bearing animals which were lawfully taken in another state except when in the hands of a licensed fur-dealer shall have attached thereto positive identification and proof of the locality where taken

Section 603 Illegal Methods of Taking Fur-Bearing Animals Exceptions In the taking or killing of fur-bearing animals or predators it is unlawful to set [steel] traps closer than five feet from any hole or den which may be occupied by a fur-bearing animal or predator except that this restriction shall not apply to under water sets or to take muskrats and beavers except through the use of steel or live traps and deadfalls or to use a snare poison explosives chemicals a steel trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches [measured in any direction] or a deadfall or to smoke out or dig out any den or house of any kind except when occupied by a predator or to cut den trees or to use any trap or deadfall of any kind unless visited at least once every thirty-six hours except when prevented by sickness or storm Provided however that it shall be lawful to use snares without springpoles for the taking of predators from the sixteenth day of December to the thirty-first day of March next following in such counties as the commission may by proper resolution designate notice of which shall be published as provided in section five hundred five of this act so long as such snares are identified and visited in the same manner as required for traps and deadfalls

All traps or deadfalls so used must be marked with a metallic plate or tag attached to the deadfall trap or trap chain bearing in plain English the name and address of the owner and must be taken up or sprung at the end of the season

Nothing contained in this section shall prevent the use of baited traps in taking fur-bearing animals or predators the killing of any muskrat or beaver with a firearm after it has been legally trapped or prevent persons residing upon cultivated lands from digging out dens or houses of any wild animals excepting beavers during the close season in fields which are under cultivation or from preventing any person from killing or capturing alive any fur-bearing animals excepting beavers at any time in any manner when found in the act of destroying personal property or in the immediate pursuit thereafter but in no case shall the pursuit be carried beyond the limits of the property upon which the damage is done

Nothing contained in this act shall be construed to prevent the use of artificial lights such as are ordinarily carried in the hand or on the person or lawful firearms in the taking of raccoons opossums and skunks during the open season

The person killing or capturing any such fur-bearing animal or accidentally killing or capturing and injuring a fur-bearing animal during the close season while legally hunting or trapping for other animals in season shall immediately notify a game protector or the director at Harrisburg and such animal or the pelt thereof shall be disposed of as may be specified by the director Failure to notify such officer or the director as herein provided shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals

Section 2 Section six hundred and nine of said act is hereby repealed

Section 3 Sections 701 702 703 subdivisions (a) and (b) of Section 704 and Sections 710 731 806 and 807 of said act are hereby amended to read as follows

Section 701 Unlawful Taking Killing Possession Et Cetera of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either living or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for [thirty] sixty days thereafter without a permit

Persons desiring to retain lawfully taken and possessed game for a longer period than thirty days after the close of the open season for such game shall apply to the director for a permit which may be issued without charge and shall authorize possession of such game for an additional period not to exceed six months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfuly killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possessing concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has been unlawfully killed or taken

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first day of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind except that raccoons may be hunted for and killed any time during the open season day or night and that woodchuck may be hunted for and killed between July first and September thirtieth between the hours of six o'clock antemeridian and seven-thirty o'clock postmeridian eastern standard time Sunday excepted This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 703 Lawful Methods of Hunting It is lawful to hunt for catch take wound or kill game of any kind only through the use of a gun pistol revolver or bow and arrow of a kind the use of which is not hereinafter prohibited except

(a) That raccoons may be killed or captured in any manner [if complying with the provisions of this act when using traps] including the use of lights such as are ordinarily carried in the hand or on the person except that such animals may not be taken through the use of automatic firearms or magazine shotguns which contain more than three shells at one time in the magazine and chamber combined or snares poisons explosives or chemicals or by smoking out or digging out dens or houses or cutting den trees nor may traps or deadfalls be used to capture raccoons in any county which has not been declared open to trapping for such animals [and in such open counties raccoons shall not be trapped prior to the trapping season for muskrats] nor may such traps or deadfalls be used except under conditions set forth in paragraph (c) of this section governing the use thereof

(b) That blinds and decoys may be used in hunting wild water-fowl as permitted under Federal regulations

(c) That it is lawful to use live traps or to use steel traps baited or otherwise with a spread of jaws not exceeding six and one-half inches measured in any direction provided the trap does not have teeth on the jaws and it is lawful to use a deadfall baited or otherwise if a metallic plate or tag is attached to each trap or chain or deadfall bearing in plain English the name and address of the owner for the purpose of taking predators [and] fur-bearing animals and raccoons so long as such traps or deadfalls except under water sets are not set closer than five feet from any den or hole or where any game other than raccoons may be caught and such traps or deadfalls are visited at least once every thirty-six hours unless prevented by sickness or storm and at the end of the trapping season all traps are sprung or removed but it shall be unlawful to use snares of any kind to capture wild birds or wild animals except that snares without springpoles may be used for the purpose of taking predators in counties designated by the commission during the time and in the manner permitted by section six hundred and three of this act and

(d) In any manner for scientific purposes pursuant to a permit issued by the commission

(e) That woodchucks commonly called groundhogs may be dug out of their dens or killed in any manner at any time by landowners or occupants of farms or by members of their family or hired help when such dens are located in their cultivated fields if said persons shall be citizens of the United States and said animals may also be dug out of dens in cultivated fields and killed in any manner during the regular open woodchuck season by any other person who is a citizen of the United States if such person shall first have obtained specific permission from the owner or occupant of said farm and shall immediately after the removal thereof replace the earth and level off the area dug out

(a) Unlawful Methods and Devices

Section 704 Unlawful Methods of Hunting It is unlawful for any person to shoot at or to shoot for any wild bird or wild animal unless it is plainly visible to him or to dig out or smoke or in any other manner take any live wild bird or wild animal other than a predator out of its den or place or refuge except that woodchucks may be dug out of their dens in cultivated fields under the conditions stipulated in the preceding section

Except as otherwise provided it is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound any wild bird or wild animal of any kind through the use of (a) what is commonly known as an automatic gun or an automatic firearm of any kind (b) or a magazine shotgun to hunt for any bird or animal other than big game which contains more than three shells at one time in the magazine and chamber combined or a swivel gun or an air-rifle or the apparatus known as a silencer (c) or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power (d) or to set lay or prepare for use or to use any bait hay grain or other food or any trap snare set-gun net bird-lime deerlick pitfall turkey blind or turkey pen the term "set-gun" as herein used meaning any contrivance device or firearm capable of discharging or projecting a deadly charge or missile which is set to operate in the absence of the owner (e) or to make use of or take advantage of any artificial light battery or other contrivance or device except that artificial lights such as are ordinarily carried in the hand or on the person may be used for the purpose of taking raccoons opossums and skunks (f) or to make use of any method or device not specifically permitted by this act for the purpose of catching taking wounding or killing wild birds or wild animals

[It is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound raccoons except in the manner provided in this act]

(b) Unlawful Manner of Hunting Big Game

It is unlawful to kill or attempt to kill any big game except through the use of a gun propelling one all-lead or lead alloys or soft-nosed or expanding bullet or ball other than one fired from a .22 or .25 calibre rimfire cartridge at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

It is unlawful for any person or one or more of a group of persons together to throw or cast the rays of a spotlight headlight or other artificial light on any highway or in any field woodland or forest upon any big game while having in his or their possession or under their control a firearm or other implement whereby any big game could be killed even though such animal be not shot at injured or killed The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants while traveling on a highway in the usual way cast a light upon such animal on or adjacent to such highway and there was no attempt or intent to locate such animal

Section 710 Killing Game by Mistake Each individual who may by mistake kill any wild bird or animal contrary to the provisions of this act or any rules and regulations of the commission may within twenty-four hours pay [one-tenth] one-fourth of the penalty imposed by law for the illegal killing of any big game animal [and two-fifths of the penalty imposed by law for the illegal killing of any other] bird or other animal to a legally authorized representative of the commission or to a magistrate justice of the peace or alderman if such individual to the best of his ability shall at once remove the entrails and deliver the carcass of the bird or animal so killed to any game protector or his residence for disposition as hereinafter provided and shall within twenty-four hours after such killing make and deliver to such officer to whom such penalty was paid a statement in writing under oath explaining when and where and how such mistake was made

Said portion of the penalty and the sworn statement together with the officer's report shall be forwarded to the director as quickly as possible for review If after investigation the director is not satisfied said killing was done by mistake but was caused by negligence or carelessness he shall order the defendant to be prosecuted in the regular manner and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided by this offense

Section 731 Penalties Any person violating any of the provisions of the sections of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For hunting or shooting or chasing or catching or killing any game or attempting to shoot at or chase or catch or kill with or without dogs any game upon the first day of the week commonly called Sunday twenty-five dollars or for hunting for or shooting at or catching or killing or attempting to hunt for or shoot at or catch or kill any game (except as authorized by this act) between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following contrary to the provisions of this article or regulations adopted thereunder by the commission [twenty-five] five dollars

(b) For using a vehicle or trailer or conveyance or boat or craft or permitting the same to be used contrary to the provisions of this article fifty dollars for each day

(c) For taking any wild animal or wild bird contrary to the provisions of this article or regulations

adopted thereunder by the commission ten dollars for each trap or device so used

(d) For failure to maintain post or produce upon demand by an officer the roster or record of a hunting party as required by the provisions of this article twenty-five dollars

[(e) For failure to return to the commission the roster carried by the captain or other leader of a hunting party or a copy thereof as required by the provisions of this article five dollars]

(f) For failure to tag or mark a deer or elk or bear within four hours after killing as required by the provisions of this article twenty-five dollars

(g) For shipping transporting carrying or conveying parts of large game in any package container or baggage of any description without having a card or marker attached as provided by this article twenty-five dollars

(h) For a common carrier or his or its agent to transport game from one point to another in this Commonwealth contrary to the provisions of this article twenty-five dollars

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof and living animals imported or brought into or released within this Commonwealth twenty-five dollars for each bird or egg or animal imported or sold or released contrary to said provisions

(j) For interfering with or destroying the nest or egg or young found therein of any game bird contrary to the provisions of this article fifty dollars for each nest and twenty-five dollars for each young

(k) For interfering with or destroying the nest or egg or young found therein of a protected bird contrary to the provisions of this article ten dollars for each nest or young

(l) For shooting at or wounding taking or killing or posessing any protected bird contrary to the provisions of this article ten dollars

(m) For selling or offering for sale or possessing for the purpose of sale or transporting or shipping or attempting to transport or ship any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family or the skins or plumage of any such bird twenty dollars

(n) For making use of or taking advantage of any vehicle trailer conveyance headlight or spot light or artificial light or battery or other contrivance or device to spot or locate or hunt for or catch or take or kill or wound any elk deer or bear or for setting laying or preparing for use or using any set-gun for the purpose or evident purpose of taking killing or wounding or attempting to take kill or wound any elk deer bear or other wild bird or wild animal contrary to the provisions of this article one hundred dollars for each person concerned and the forfeiture of such vehicle trailer headlight spot light or other contrivance and all paraphernalia used

(o) For failure or refusing to stop any vehicle or conveyance being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws contrary to the provisions of this article ten dollars

(p) For turning off any or all lights on a vehicle or conveyance for the purpose of avoiding identification or arrest contrary to the provisions of this article fifty dollars

(q) Except as otherwise herein provided for hunting or chasing or catching or taking or killing or wounding or receiving or delivering or transporting or shipping or using or concealing or assisting to conceal or having in possession or attempting to hunt for catch take kill wound or transport contrary to this article or regulations adopted thereunder by the commission or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth or relating to the buying or selling or bartering of

I Each Elk two hundred dollars and in the discretion of the court six months imprisonment

II Each deer or bear one hundred dollars

III Each wild turkey ruffed grouse pheasant quail partridge or woodcock twenty-five dollars

IV Each raccoon twenty-five dollars

V Each other wild bird or wild animal ten dollars

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article the fine shall be one-half of the fine above prescribed

In addition to the fine above prescribed any person who shall make use of or have in possession or under control a ferret or fitch contrary to the provisions of this article shall upon conviction be sentenced to pay a fine of twenty-five dollars for each ferret or fitch and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 806 Possession of Loaded Firearms and Certain Ammunition Restricted (a) Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle or conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however That except as hereafter provided between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

(b) Except during the open season for big game it is unlawful for any person to have in possession in or on vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth except as hereinafter provided between five-thirty o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long rifle or any shotgun shell containing either a single bullet or pellets larger than a BB unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

(c) Provided however That during the period from July first to September thirtieth inclusive of each year the foregoing requirements relative to carrying certain unloaded firearms and ammunition shall be applicable only from eight-thirty o'clock postmeridian to five o'clock antemeridian eastern standard time

(d) The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game laws and engaged in the performance of his official duty

(e) Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 807 Shooting at Game While on Highways It is unlawful for any person to shoot at game while it is on a public highway or a highway open to use or used by the public or knowingly to shoot across a public highway or a highway open to use or used by the public while hunting for game unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 4 Subsection (d) of Article nine of said act is hereby amended by adding thereto after section nine hun-

dred and thirty-six a new section to read as follows

Section 937 Special Wild Life Refuge Projects Recognition and protection comparable to that which is now accorded to game refuges established and maintained by the commission under the provisions of the Game Law is hereby provided for such special wildlife refuges as may be sponsored established and maintained by any regular sportsmen's organization working in behalf of the public interest and the conservation of wildlife with the written consent and approval of the owner or lessee or other person in responsible control of the land so utilized to cooperate with the Pennsylvania Game Commission in the furtherance of its game management program

The provisions of this act shall be applicable only if the lands adjacent to such special woodlife refuges except safety zones around occupied buildings on the project are open to lawful public hunting and provided the following conditions are complied with

(a) Minimum Acreage No such special wildlife refuge shall contain less than two (2) acres and in no instance shall the combined total acreage set aside as special wildlife refuges and safety zones the latter as provided for in Section eight hundred and eight of the Game Law exceed one acre of such restricted territory for every two acres of open hunting grounds available to public use on the same tract of land or on a number of contiguous tracts combined as one project

(b) Refuge Boundary Lines The boundary line of special wildlife refuges shall be marked by a substantial fence or a marker consisting of at least one strand of wire of not less than twelve gauge or its equivalent if twisted wire is used which wire shall be supported and stretched so that it shall average approximately three and one-half feet from the ground and entirely surround each special wildlife refuge so established

Where such boundary line passes through forest or brushland or briar thickets or high weed growth unless it comprises a road or other cleared strip of land all brush weeds and other growth shall be removed not more than six weeks prior to the open fall hunting season from a strip at least five feet wide adjacent to the fence or wire marker so persons approaching the refuges may recognize said boundary

(c) Boundary Line Posters In addition to the fence or marker hereinbefore specified and the cleared strip where necessary the boundary line of such special wildlife refuge shall be plainly and conspicuously posted prior to October first of each year with legible notices at least ten inches by twelve inches in size placed not more than one hundred yards apart which shall bear the following warning

SPECIAL WILDLIFE REFUGE
HUNTING IS UNLAWFUL
This Refuge Is Provided So That Wildlife
May Have A Place to Escape And Breed in Safety
Entering This Refuse For the Purpose of
Hunting Or Disturbing Wildlife Or Permitting
Dogs To Enter Is Punishable by A Penalty Of
Twenty-Five Dollars ($25.00)
The Lands Surrounding This Wildlife Refuge
Except Safety Zones Are Open To Public Hunting

Sponsored By

.....

(Name of Sponsoring Organization to be Printed Here)
This Refuge Established To Cooperate With The
PENNSYLVANIA GAME COMMISSION

The sponsoring organization in addition to its name may include on such notices the location of its headquarters and the name of the landowner lessee or other person in responsible control of the land so used

The commission is authorized to furnish printed posters with or without charge for the proper posting of such special wildlife refuges and for safety zones on that portion of the property open to public hunting under such regulations as it by resolution may fix

(d) Restrictions Exceptions When a special wildlife refuge has been established and posted in accordance with the foregoing requirements it is unlawful for any person to hunt or trap for pursue take kill or disturb or to attempt to hunt or trap for pursue take kill or disturb wild birds or wild animals of any kind thereon or to permit dogs to enter pursue or disturb such birds or animals thereon except that predators and fur-bearing animals may be removed therefrom by the owner or lessee or other person in responsible control of the land so used or by members of his immediate household if such persons are citizens of the United States or by any citizen of the United States who has obtained a written permit from the sponsoring organization with the consent of the owner or lessee or other person in responsible control but such removal of predators and fur-bearing animals shall not be undertaken during the month of November of any year

Entrance upon such special wildlife refuges at any time of the year shall be lawful by the owner or lessee or other person in responsible control of land so used or by members of his immediate household or by his authorized representative for customary or normal activities other than those specifically herein prohibited and entrance shall be lawful by any other person who may be designated by the president or secretary of the sponsoring organization for the purpose of improving cover and food conditions or to feed wildlife on such refuges except during the month of November of any year

(e) Penalties Each person violating any of the foregoing provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars for each offense together with costs of prosecution

It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any special wildlife refuge boundary fence or wire or poster placed in accordance with the provisions of this act Each person violating any provisions of this paragraph shall upon conviction be sentenced to pay a fine of ten dollars for each offense together with costs of prosecution

Section 5 Section one thousand one hundred and one of said act is hereby amended to read as follows

Section 1101 [Authority to Pay] Bounties on Predators Whenever in the opinion of the commission it is desirable or necessary for the better protection of game to pay rewards or bounties for the killing of any predators in any part of or throughout this Commonwealth the said commission is hereby authorized to pay such bounties for the destruction of predators and except as hereinafter provided in such amounts and during such periods as it shall by general rules or regulations prescribe but in no case shall the amount so paid exceed the following bounties for the birds and animals herein enumerated For each Canada or Bay Lynx commonly called bobcat or wildcat fifteen dollars for each fox four dollars [for each weasel one dollar] and for each goshawk or other predatory bird five dollars For the destruction of each weasel the commission shall pay a bounty of one dollar

All bounties authorized by said commission shall be paid only upon such conditions as may be prescribed in said regulations and upon such proofs and in such manner as hereinafter provided

Section 6 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. HAINES. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 518, Printer's No. 804, was passed over at the request of Mr. TAYLOR.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1349, as follows:

An Act to amend article two section one thousand thirty-five as amended and sections two thousand four hundred sixty two thousand seven hundred twenty-two and three thousand one hundred one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the creation of boroughs from townships of the first class upon petition to the court of quarter sessions and a referendum and prescribing the procedure therefor changing contents of auditors' statement further regulating the use of moneys collected on borough-owned water-works giving school districts power to acquire and maintain property jointly with other school districts boroughs cities or counties for certain purposes extending the jurisdiction within which and the manner fines penalties and costs may be collected and repealing existing law providing for the payment of compensation medical and hospital expenses and regulating sick leave periods of certain policemen and firemen

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto after subdivision (d) a new subdivision to read as follows

(e) Creation of Boroughs from First Class Townships

Section 251 Any township of the first class may change its form of government and become a borough retaining the same boundaries it maintained as a township in the following manner

(a) Upon petition of the township commissioners of any township of the first class or of one-fourth of the registered electors therein to the court of quarter sessions setting forth that the inhabitants of such township wish to change their form of government and become a borough the court shall thereupon order a special election to be held on the next appointed day for the holding of a general or municipal election which shall be sixty or more days after the date of the filing of said petition at which time the qualified electors of such township shall vote for or against such change in government

(b) If a majority of votes cast for and against such change from a township of the first class to a borough shall be in favor of such change the court shall make a decree declaring such former township a borough although no name therefor shall have been adopted and appoint one person to be burgess of such borough and seven persons not more than four of whom shall be enrolled members of the same political party to constitute a council for such borough Such officers shall hold their respective offices until the first Monday of January next succeeding the municipal election at which a burgess and council are to be elected as provided by this act

At such municipal election and every four years thereafter there shall be elected one person to be burgess who shall hold office for a term of four years from the first Monday of January next succeeding his election At the same municipal election there shall be elected seven persons as councilmen four of whom shall serve for a term of four years from the first Monday of January next succeeding and three shall serve for a term of two years from the first Monday of January next succeeding Biennially thereafter at the municipal election a sufficient number of councilmen shall be elected to fill the offices of the councilmen whose terms shall expire on the first Monday of January next succeeding

The council appointed by the said court shall decide upon and adopt a name for said new borough

(c) From the date of such decree the former township so changed to a borough shall be subject to the provisions of this act The prothonotary shall furnish to the Department of Highways and to the Secretary of Internal Affairs of the Commonwealth a certified copy of the decree for which he shall receive a fee of one dollar ($1.00) each to be paid as a part of the costs of the proceedings

(d) All costs and expenses incurred in any such proceedings to change a township of the first class into a borough except the costs and expenses of the special election shall be paid by the borough if such change is made and if not such costs and expenses shall be paid by the petitioners except where the petitioners are the township commissioners in which case said costs shall be paid by the township

Section 2 Section one thousand thirty-five of said act as last amended by section two of the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1608) is hereby further amended to read as follows

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to Be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts [of the last fiscal year] contracted and services rendered during the fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be prepared within sixty (60) days after the close of the fiscal year Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or by any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

After such statement has been prepared it shall be the duty of the secretary of the borough to furnish to the Department of Internal Agairs a report of such statement transcribed on a uniform form prepared and furnished as hereafter provided Such report shall be signed by the auditors and the secretary and shall be filed with the department within ninety (90) days after the close of the fiscal year Any secretary refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs If the failure to file such a report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based said fine shall be imposed upon the auditors and not upon the secretary All fines recovered shall be for the use of the Commonwealth The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent

Such representatives shall be appointed by the president of the organization within sixty (60) days after the effective date of this act Such representatives shall be chosen

from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of the organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Such representatives shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with such committee In the event that the committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall prepare the forms After their preparation he shall issue such forms and distribute them annually as needed to the proper officers of each borough

Section 3 Sections two thousand four hundred sixty two thousand seven hundred twenty-two and three thousand one hundred one of said act are hereby amended to read as follows

Section 2460 Care of Funds The commissioners shall cause all moneys collected to be deposited weekly by the collectors with the borough treasurer who shall return a receipt therefor to the commissioners All moneys so collected shall be kept in a separate fund and shall be used for the purpose of repairing maintaining and extending such water-works and the erection of new water-works [or the payment of any indebtedness on said water-works and for no other purpose] All moneys remaining after such expenditures shall be used for the payment of any indebtedness on said water-works and any indebtedness incurred by the borough for constructing maintaining improving enlarging or extending said water-works Said moneys shall be used for no purpose other than as provided in this section No money shall be drawn from such fund except upon order countersigned by the president and secretary of the commission

Section 2722 Joint Ownership and Maintenance Any two or more boroughs or borough with any city or borough with a county may jointly acquire property for and operate and maintain any playgrounds playfields gymnasiums public baths bathing places swimming pools or indoor recreation centers Any [school district shall have power to join with any borough or boroughs in equipping operating and maintaining] two or more school districts or school district with a borough or school district with a city or school district with a county may jointly acquire property for and operate and maintain any playgrounds playfields gymnasiums public baths swimming pools and indoor recreation centers and may appropriate money therefor

Section 3101 Recovery of Fines Penalties and Costs Fines penalties and costs made payable by this act or imposed under the ordinances of any borough shall be recoverable before the burgess or any justice of the peace of the [borough in the same manner as debts not exceeding three hundred dollars are recoverable] county in which such borough is situate and when so recovered shall be forthwith paid to the treasurer of the borough

Section 4 The act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 477) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" as amended by the act approved the fourteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 632) is hereby repealed in so far as it relates to boroughs

Section 5 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—144

Ackermann,	Falkenstein,	Leisey,	Sarge,
Andrews,	Fauset,	Leydic,	Sarraf,
Auker,	Fisher,	Lichtenwalter,	Scanlon,
Baker,	Fleming,	Lovett,	Schrope,
Balthaser,	Foor,	Madden,	Schwab,
Bennett,	Freed,	Malloy,	Seif,
Bohn,	Fullerton,	Marr,	Serrill,
Boles,	Furman,	Matthews,	Shearer,
Boney,	Gates,	McClester,	Sloan,
Boyd,	Gillan,	McKinney,	Snyder,
Brancato,	Gillette,	McLane,	Sollenberger,
Broad,	Gorski,	McNally,	Stambaugh,
Bronson,	Habbyshaw,	McVay,	Stank,
Brown, S. W.,	Haines,	Melchiorre,	Stewart,
Burris,	Hall,	Mihm,	Tarr,
Calvin,	Harbeson,	Montgomery,	Taylor,
Carpenter	Harkins,	Mooney,	Thistle,
Chervenak,	Haudenshield,	Moran,	Thompson, G.R.,
Christler,	Henry,	Moser, F. S.,	Tiemann,
Clark	Hewitt,	Muir,	Tronzo,
Clearwater,	Hindman,	Munley,	Trout,
Cohen, H. B.,	Hocke,	O'Connor,	Van Allsburg,
Cook,	Hoffman, J. N.,	O'Dare,	Watkins,
Cooper,	Hoffman, S. K.,	Peacock,	Webster,
Cordier,	Holland,	Preston,	Welsh, E. B.,
Cortese,	Huntley,	Readinger,	Welsh, M. J.,
Curran,	Imbrie,	Reagan,	Wilkinson,
Dalrymple	James,	Reese, D. P.,	Williams,
DeNote,	Jones,	Reese, R. E.,	Wilson,
Dick,	Kane,	Rider,	Winner,
Dix,	Keenan,	Riley,	Wood, H. M.,
Donahue,	Kenehan,	Robertson,	Wood, L. H.,
Downey,	Kilroy,	Rose,	Wood, N.,
Eckels,	Kline,	Roseberry,	Woodside,
Ely,	Knoble,	Rothenberger,	Turner,
Ewing,	Kowalski,	Royer,	Speaker.

NAYS—6

Boose,	Fiss,	Schrock,	Yeakel,
Cadwalader,	Lee.	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS NOT ON FILE

The SPEAKER. House Bills Nos. 1450 and 1309, are not on file and will be passed over.

BILLS PASSED OVER

There being no objection House Bill No. 1403, Senate Bill No. 339, Printer's No. 73; House Bill No. 657, Printer's No. 677; House Bill No. 1408, Printer's No. 714; and House Bill No. 1435, Senate Bill No. 462, Printer's No. 270 were passed over at the request of Mr. WOODSIDE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1411, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses," by changing the pay of jurors in counties of the first class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett	Schwab,
Balthaser,	Fleming,	Madden,	Self,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 496, Printer's No. 787, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 853, as follows:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by changing certain provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing [at least once a month] from time to time to the commission upon the request of the commission and upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab
Balthaser,	Fleming	Madden,	Self,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,

Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster.
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 855, as follows:

An Act to amend clause (c) of section thirty of this act aproved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamhlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriff's county commissioners peace officers county treasurers county controllers registars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by changing the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing [at least once a month] from time to time to the commission upon the request of the commission and upon forms supplied by the commission all cases of discontinuance of their service to residence together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill.
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre.	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster.
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 854, as follows:

An Act to amend clause (c) of section thirty of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by changing the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing [at least once a month] from time to time to the commission upon the request of the commission and upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 401, entitled:

An Act to prohibit the solicitation of retainers or employment to present settle prosecute or defend claims or actions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,

Chervenak,	Henry,	Muir,	Tronzo,
Christler	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H B.,	Hoffman, J N.,	Peacock,	Webster
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1014, Printer's No. 763, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 991, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G.R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	Van Allsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 933, entitled:

An Act authorizing the Department of Property and Supplies to acquire repair restore and maintain certain historic shrines and the grounds surrounding the same in Delaware County Pennsylvania conferring certain powers and duties on the Pennsylvania Historical Commission and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G.R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 393, entitled:

An Act authorizing the Armory Board of the State of Pennsylvania to construct and erect in the County of Dauphin a memorial or monument in memory of the residents of Dauphin County who served in the forces of the United States during the World War and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1134, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	Van Allsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 877, as follows:

An Act making an appropriation to Pennsylvania Military College Chester Pennsylvania for the military training and education of students

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars ($150,000) is hereby specifically appropriated to the Department of Public Instruction for use by Pennsylvania Military College Chester Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the general purposes of the institution including the military training and education of such students as may be admitted to such college in accordance with this act Fifty thousand dollars ($50,000) of said appropriation shall be paid during the fiscal year one thousand nine hundred and thirty-nine one thousand nine hundred and forty and one hundred thousand dollars ($100,000) during the fiscal year one thousand nine hundred and forty one thousand nine hundred and forty-one For the school year one thousand nine hundred and thirty-nine one thousand nine hundred and forty twenty-five students shall be appointed to said college to receive scholarships covering board room and tuition to be selected by competitive examination to be conducted in such manner as said college may provide from among candidates nominated by State Senators each Senator of each odd numbered senatorial district to be notified by said college of the time and place of such examination and to have the privilege of appointing a principal candidate and two alternates for examination For the school year one thousand nine hundred and forty one thousand nine hundred and forty-one twnety-five students shall likewise be appointed after competitive

examination as above and on nomination of State Senators from even numbered districts

One student shall be admitted from each of the senatorial districts from which nominations were made each of said years In event no appointment is made by any Senator on or before August first of the school year for which the appointment is to be made the President of Pennsylvania Military College may fill such vacancy from said senatorial district

The Governor of the Commonwealth shall also for each of said school years appoint two students to said college subject to examination as prescribed by the college

Each candidate for admission shall in addition to scholastic examination outlined above undergo a thorough physical examination and will be refused admission should physical condition not warrant acceptance

Every student accepted by the college under the provisions of this act shall be required to enter into an agreement with the Adjutant General on behalf of the Commonwealth to serve an enlistment in the Pennsylvania National Guard for a period of five years commencing within six months after graduation and in default of such service in the National Guard to be liable to the Commonwealth for the sum expended upon said student under this or any other law appropriating moneys to said college for the education of students appointed by Senators or admitted by appointment of the Governor

Payments from said appropriation shall be made by requisition of the Department of Public Instruction October first one thousand nine hundred thirty-nine for fifty thousand dollars ($50,000) and October first one thousand nine hundred and forty for one hundred thousand dollars ($100,000)

No portion of said appropriation to be used by Pennsylvania Military College for payment of any debt existing prior to September first nineteen hundred and thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 617, entitled:

An Act making an appropriation to the Department of Highways out of the Motor License Fund for the purpose of rebuilding county bridges carried away or destroyed by fire flood or other casualty and of carrying out the provisions of existing laws relating thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Sarraf,
Andrews,	Fauset,	Leydic,	Scanlon,
Auker,	Fisher,	Lichtenwalter,	Schrock,
Baker,	Fiss,	Lovett,	Schrope,
Balthaser,	Fleming,	Madden,	Schwab,
Bennett,	Foor,	Malloy,	Seif,
Bohn,	Freed,	Marr,	Serrill,
Boles,	Fullerton,	Matthews,	Shearer,
Boney,	Furman,	McClester,	Sloan,
Boose,	Gates,	McGarrity,	Snyder,
Boyd,	Gillan,	McKinney,	Sollenberger,
Brancato,	Gillette,	McLane,	Stambaugh,
Broad,	Gorski,	McNally,	Stank,
Bronson,	Habbyshaw,	McVay,	Stewart,
Brown, S. W.,	Haines,	Melchiorre,	Stockham,
Burris,	Hall,	Mihm,	Tarr,
Cadwalader,	Harbeson,	Montgomery,	Taylor,
Calvin,	Harkins,	Mooney,	Thistle,
Carpenter,	Haudenshield,	Moran,	Thompson, G. R.,
Chervenak,	Henry,	Moser, F. S.,	Tiemann,
Christler,	Hewitt,	Muir,	Tronzo,
Clark,	Hindman,	Munley,	Trout,
Clearwater,	Hocke,	O'Connor,	VanAllsburg,
Cohen, H. B.,	Hoffman, J. N.,	O'Dare,	Watkins,
Cook,	Hoffman, S. K.,	Peacock,	Webster,
Cooper,	Holland,	Preston,	Welsh, E. B.,
Cordier,	Huntley,	Readinger,	Welsh, M. J.,
Cortese,	Imbrie,	Reagan,	Wilkinson,
Curran,	James,	Reese, D. P.,	Williams,
Dalrymple,	Jones,	Reese, R. E.,	Wilson,
DeNote,	Kane,	Rider,	Winner,
Dick,	Keenan,	Riley,	Wood, H. M.,
Dix,	Kenehan,	Robertson,	Wood, L. H.,
Donahue,	Kilroy,	Rose,	Wood, N.,
Downey,	Kline,	Roseberry,	Woodside,
Eckels,	Knoble,	Rothenberger,	Yeakel,
Ely,	Kowalski,	Royer,	Turner,
Ewing,	Lee,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1495, Printer's No. 743, was passed over at the request of Mr. ANDREWS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1115, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley	Trout,
Clark,	Hindman,	O'Connor,	Van Allsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 73, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	Van Allsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 588, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,

Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson	Wood, L. H.,
Dix,	Kenehan	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 881, entitled:

An Act making an appropriation to the Local Government Commission to continue its work

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Self,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 397, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Self,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 625, as follows:

An Act making an appropriation to the Pennsylvania Historical Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars ($10,000) is hereby appropriated to the Pennsylvania Historical Commission for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the payment of salaries wages or other compensation of such superintendent guards wardens and workmen as may be necessary for the care preservation and maintenance of the Daniel Boone Homestead for the necessary cost of

freight stationery postage fertilizers seeds and other supplies for plowing and mowing for the purchase of trees and shrubs and for the planting of the same for the restoration of the Daniel Boone Homestead and barn for the installation of a water system and electric lighting for the construction of a picnic ground for the building of a dam for the construction of week-end camp and wayside shelter for youth for the improvements of the roads for the furnishing of the above mentioned buildings and for other incidental and contingent expenses

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 341, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 434, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boles,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,

Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	Van Allsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 438, entitled:

An Act making an appropriation to the Department of Commerce

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	Van Allsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 418, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G. R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1082, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stank,
Broad,	Gorski,	McVay,	Stewart,
Bronson,	Habbyshaw,	Melchiorre,	Stockham,
Brown, S. W.,	Haines,	Mihm,	Tarr,
Burris,	Hall,	Montgomery,	Taylor,
Cadwalader,	Harbeson,	Mooney,	Thistle,
Calvin,	Harkins,	Moran,	Thompson, G.R.,
Carpenter,	Haudenshield,	Moser, F. S.,	Tiemann,
Chervenak,	Henry,	Muir,	Tronzo,
Christler,	Hewitt,	Munley,	Trout,
Clark,	Hindman,	O'Connor,	VanAllsburg,
Clearwater,	Hocke,	O'Dare,	Watkins,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Webster,
Cook,	Hoffman, S. K.,	Preston,	Welsh, E. B.,
Cooper,	Holland,	Readinger,	Welsh, M. J.,
Cordier,	Huntley,	Reagan,	Wilkinson,
Cortese,	Imbrie,	Reese, D. P.,	Williams,
Curran,	James,	Reese, R. E.,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
DeNote,	Kane,	Riley,	Wood, H. M.,
Dick,	Keenan,	Robertson,	Wood, L. H.,
Dix,	Kenehan,	Rose,	Wood, N.,
Donahue,	Kilroy,	Roseberry,	Woodside,
Downey,	Kline,	Rothenberger,	Yeakel,
Eckels,	Knoble,	Royer,	Turner,
Ely,	Kowalski,	Sarge,	Speaker.
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1084, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Scanlon,
Andrews,	Fauset,	Leydic,	Schrock,
Auker,	Fisher,	Lichtenwalter,	Schrope,
Baker,	Fiss,	Lovett,	Schwab,
Balthaser,	Fleming,	Madden,	Seif,
Bennett,	Foor,	Malloy,	Serrill,
Bohn,	Freed,	Marr,	Shearer,
Boies,	Fullerton,	Matthews,	Sloan,
Boney,	Furman,	McClester,	Snyder,
Boose,	Gates,	McKinney,	Sollenberger,
Boyd,	Gillan,	McLane,	Stambaugh,
Brancato,	Gillette,	McNally,	Stewart,
Broad,	Gorski,	McVay,	Stockham,
Bronson,	Habbyshaw,	Melchiorre,	Tarr,
Brown, S. W.,	Haines,	Mihm,	Taylor,
Burris,	Hall,	Montgomery,	Thistle,
Cadwalader,	Harbeson,	Mooney,	Thompson, G.R.,
Calvin,	Harkins,	Moran,	Tiemann,
Carpenter,	Haudenshield,	Moser, F. S.,	Tronzo,
Chervenak,	Henry,	Muir,	Trout,
Christler,	Hewitt,	Munley,	VanAllsburg,
Clark,	Hindman,	O'Connor,	Watkins,
Clearwater,	Hocke,	O'Dare,	Webster,
Cohen, H. B.,	Hoffman, J. N.,	Peacock,	Welsh, E. B.,
Cook,	Hoffman, S. K.,	Preston,	Welsh, M. J.,
Cooper,	Holland,	Readinger,	Wilkinson,
Cordier,	Huntley,	Reagan,	Williams,
Cortese,	Imbrie,	Reese, D. P.,	Wilson,
Curran,	James,	Reese, R. E.,	Winner,
Dalrymple,	Jones,	Rider,	Wood, H. M.,
DeNote,	Kane,	Riley,	Wood, L. H.,
Dick,	Keenan,	Robertson,	Wood, N.,
Dix,	Kenehan,	Rose,	Woodside,
Donahue,	Kilroy,	Roseberry,	Yeakel,
Downey,	Kline,	Rothenberger,	Turner,
Eckels,	Knoble,	Royer,	Speaker.
Ely,	Kowalski,	Sarge,	
Ewing,	Lee,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1101, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Fauset,	Leydic,	Scanlon,
Andrews,	Fisher,	Lichtenwalter,	Schrock,
Auker,	Fiss,	Lovett,	Schrope,
Baker,	Fleming,	Madden,	Schwab
Balthaser,	Foor,	Malloy,	Seif,
Bennett,	Freed,	Marr,	Serrill,
Bohn,	Fullerton,	Matthews,	Shearer,
Boies,	Furman,	McClester,	Sloan,
Boney,	Gates,	McKinney,	Snyder,
Boose,	Gillan,	McLane,	Sollenberger,
Boyd,	Gillette,	McNally,	Stambaugh,
Brancato,	Gorski,	McVay,	Stank,
Broad,	Habbyshaw,	Melchiorre,	Stewart,
Bronson,	Haines,	Mihm,	Stockham,
Brown, S. W.,	Hall,	Montgomery,	Tarr,
Burris,	Harbeson,	Mooney,	Taylor,
Cadwalader,	Harkins,	Moran,	Thistle,
Calvin,	Haudenshield,	Moser, F. S.,	Thompson, G.R.,
Carpenter,	Henry,	Muir,	Tiemann,
Chervenak,	Hewitt,	Munley,	Tronzo,
Christler,	Hindman,	O'Connor,	Trout,
Clark,	Hocke,	O'Dare,	VanAllsburg,
Clearwater,	Hoffman, J. N.,	Peacock,	Watkins,
Cohen, H. B.,	Hoffman, S. K.,	Preston,	Webster,
Cook,	Holland,	Readinger,	Welsh, E. B.,
Cooper,	Huntley,	Reagan,	Welsh, M. J.,
Cordier,	Imbrie,	Reese, D. P.,	Wilkinson,
Cortese,	James,	Reese, R. E.,	Williams,
Curran,	Jones,	Rider,	Wilson,
Dalrymple,	Kane,	Riley	Winner,
DeNote,	Keenan,	Robertson,	Wood, H. M.,
Dick,	Kenehan,	Rose,	Wood, L. H.,
Dix,	Kilroy,	Roseberry,	Wood, N.,
Donahue,	Kline,	Rothenberger,	Woodside,
Downey,	Knoble,	Royer,	Yeakel,
Ely	Kowalski,	Sarge,	Turner,
Ewing,	Lee,	Sarraf,	Speaker.
Falkenstein,	Leisey,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 923, entitled:

A Supplement to the act approved the twenty-sixth day of June one thousand nine hundred thirty-one (Pamphlet Laws 1386) entitled "An act providing for the care protection and maintenance of the brig Niagara Commodore Perry's Flagship at the Battle of Lake Erie and now the property of the State of Pennsylvania creating a commission to be The Flagship Niagara Commission and making an appropriation for such care protection and maintenance" transferring the custody and control restoration and rehabilitation care protection and maintenance of the Flagship Niagara from The Flagship Niagara Commission to the Pennsylvania Historical Commission providing for the continuance of the present The Flagship Niagara Commission as an advisory committee and for its discharge from certain duties and powers and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Falkenstein,	Leisey,	Sarraf,
Andrews,	Fauset,	Leydic,	Scanlon,
Auker,	Fisher,	Lichtenwalter,	Schrock,
Baker,	Fiss,	Lovett,	Schrope,
Balthaser,	Fleming,	Madden,	Schwab,
Bennett,	Foor,	Malloy,	Seif,
Bohn,	Freed,	Marr,	Serrill,
Boles,	Fullerton,	Matthews,	Shearer,
Boney,	Furman,	McClester,	Sloan,
Boose,	Gates,	McGarrity,	Snyder,
Boyd,	Gillan,	McKinney,	Sollenberger,
Brancato,	Gillette,	McLane,	Stambaugh,
Broad,	Gorski,	McNally,	Stank,
Bronson,	Habbyshaw,	McVay,	Stewart,
Brown, S. W.,	Haines,	Melchiorre,	Stockham,
Burris,	Hall,	Mihm,	Tarr,
Cadwalader,	Harbeson,	Montgomery,	Taylor,
Calvin,	Harkins,	Mooney,	Thistle,
Carpenter,	Haudenshield,	Moran,	Thompson, G. R.
Chervenak,	Henry,	Moser, F. S.,	Tiemann,
Christler,	Hewitt,	Muir,	Tronzo,
Clark,	Hindman,	Munley,	Trout,
Clearwater,	Hocke,	O'Connor,	Van Allsburg,
Scheg, H. B.,	Hoffman, J. N.,	O'Dare,	Watkins,
Cook,	Hoffman, S. K.,	Peacock,	Webster,
Cooper,	Holland,	Preston,	Welsh, E. B.,
Cordier,	Huntley,	Readinger,	Welsh, M. J.,
Cortese,	Imbrie,	Reagan,	Wilkinson,
Curran,	James,	Reese, D. P.,	Williams,
Dalrymple,	Jones,	Reese, R. E.,	Wilson,
DeNote,	Kane,	Rider,	Winner,
Dick,	Keenan,	Riley,	Wood, H. M.,
Dix,	Kenehan,	Robertson,	Wood, L. H.,
Donahue,	Kilroy,	Rose,	Wood, N.,
Downey,	Kline,	Roseberry,	Woodside,
Eckels,	Knoble,	Rothenberger,	Yeakel,
Ely,	Kowalski,	Royer,	Turner,
Ewing,	Lee,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bills Nos. 1335 and 1336, were passed over at the request of the SPEAKER.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Does the Speaker remember the situation in the House upon the day in which the Orphans' Court bill of York county was passed?

The SPEAKER. The Chair very well remembers.

RESOLUTIONS

RECALLING HOUSE BILL NO. 962 FROM THE GOVERNOR

Mr. WOODSIDE, offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 18, 1939.

Resolved (if the Senate concur), That House Bill No. 962, Printer's No. 357, entitled "An act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL NO. 176 FROM THE GOVERNOR

Mr. WOODSIDE, offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 18, 1939.

Resolved (if the Senate concur), That House Bill No. 176, Printer's No. 722, entitled "An act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled 'An act to provide refenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes' as amended by defining clarifying and limiting certain exemptions imposing the tax upon the value of certain equitable interests personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL NO. 737 FROM THE GOVERNOR

Mr. SNYDER, offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 18, 1939.

Resolved (if the Senate concur), That House Bill No. 737, Printer's No. 610, entitled "An act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling of vacancies empowering the county boards of school directors to employ an attorney of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL NO. 890 FROM THE GOVERNOR

Mr. JAMES, offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 18, 1939.

Resolved (if the Senate concur), That House Bill No. 890, Printer's No. 240, entitled "An act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' limiting the number of days for the completion of audits in townships of the first class," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 41.

An Act to further amend section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the motor license fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the motor license fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth

HOUSE BILL No. 382.

An Act to further amend section two hundred and thirteen of and to add section one thousand four hundred and twelve to the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by providing for the appointment and compensation of a deputy adjutant general in charge of veteran affairs and prescribing the qualifications of deputy adjutants general

HOUSE BILL No. 545.

An Act to amend section one thousand and four of the act approved the first day of May one thousand nine hundred and twenty-nine (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers

HOUSE BILL No. 662.

An Act to amend section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 843) entitled "An act authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads wholly upon the lands of State institutions and State parks and providing for the payment of the cost thereof" by authorizing the Department of Highways with the approval of the Governor to build rebuild construct and maintain roads bridges and viaducts wholly on State Armory properties and State Military Reservations and on the grounds of the Soldiers' and Sailors' Home of Erie Pennsylvania

HOUSE BILL No. 742.

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws

932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence

HOUSE BILL No. 887.

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth

HOUSE BILL No. 929.

An Act to amend section four hundred thirteen section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the tilting including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years

HOUSE BILL No. 1022.

An Act to amend further section five of an act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may in the discretion of the Secretary of Highways construct reconstruct resurface or maintain additional width

HOUSE BILL No. 1026.

An Act to provide that under certain conditions roads highways bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor

HOUSE BILL No. 1129.

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

HOUSE BILL No. 470.

An Act to amend sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a borough town or township to a city of the third class in the same county and authorizing the registration commission to amend the registers for such boroughs towns townships and cities accordingly and changing time for filing removal within same district

HOUSE BILL No. 553.

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments

and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly and changing time for filing removal notice within same district

HOUSE BILL No. 710.

An Act relating to unlawful practices in the procurement of retainers for attorneys

HOUSE BILL No. 331.

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

HOUSE BILL No. 373.

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

HOUSE BILL No. 480.

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

HOUSE BILL No. 567.

An Act to amend section one of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (P. L. 275) entitled, "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties," increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE

Mr. LEE from the Committee on Cities—First Class reported as amended, House Bill No. 981, entitled:

An Act to amend article three, section five; article four, section five; and article five, sections one, two and six, of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen, (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," to provide for commissioners to replace the director of public safety, for their number, qualifications, election, powers and terms of office, and for the appointment, terms of office and accession to office of temporary commissioners.

ADJOURNMENT

Mr. STOCKHAM. Mr. Speaker, I move that this House do now adjourn until Monday, May 22, 1939, at 8 p. m.

The motion was agreed to, and (at 9:59 p. m.) the House adjourned until Monday, May 22, 1939, at 8 p. m.

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